MT LEGISLATIVE HISTORY

Chapter 421 1979

Bill H (S) 113 Original bill & hist. ✓C

H. Committee on Hwys & Transp			S. Committee on Hwys & Transp		
Hearing Date(s)	MAR6	✓C	Hearing Date(s)	JAN23	✓C
	MAR8	✓C		JAN27	✓C
		C			C
		C			C
Date Out		C		JAN27	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on Highways and Transportation.
March 8, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 16, 1979	Returned from second house. Concurred in as amended.
March 17, 1979	Second reading, pass consideration.
March 19, 1979	Second reading, amendments adopted.
March 20, 1979	Third reading, amendments adopted. Sent to enrolling.
	Reported correctly enrolled.

ACCO

CHAPTER NO. 421

SENATE BILL NO. 113

INTRODUCED BY GRAHAM

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

January 16, 1979	Introduced and referred to Committee on Highways and Transportation.
January 29, 1979	Committee recommend bill do pass as amended. Report adopted.
January 31, 1979	Printed and placed on members' desks.
February 1, 1979	Second reading, pass consideration.
	On motion taken from second reading and rereferred to Committee on Highways and Transportation.
February 10, 1979	Committee recommend bill do pass as amended. Report adopted.
February 12, 1979	Printed and placed on members' desks.
February 13, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed. Transmitted to second house.

Senate BILL NO. 113

INTRODUCED BY [signature]

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAW RELATING TO MOTOR VEHICLES; REPEALING SECTION 61-8-721, MCA; AND REPEALING SECTIONS 31-167, 31-186, 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134, 53-135, AND 53-140 THROUGH 53-144, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-1-101, MCA, is amended to read:

"61-1-101. Definitions. ~~The following~~ Unless the context indicates otherwise, the words and phrases ~~when~~ defined in this chapter have, as used in this ~~[act] shall, for the purpose of this [act]~~ title, have the meanings respectively ascribed to them in this chapter."

Section 2. Section 61-1-102, MCA, is amended to read:

"61-1-102. Motor vehicle. ~~(1) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, excluding motorcycles.~~

~~(2) For 61-10-101 through 61-10-110, the term "motor vehicle" is defined in subsection (3).~~

~~(3) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.~~

~~(4) The word "motor vehicle" as used in 61-3-502 means automobiles, auto trucks, and motorcycles, propelled by their own power, used upon the public highways of the state.~~

~~(5) The term "motor vehicle" as used in part 4 of chapter 4 shall mean every self-propelled vehicle moving over the highways of this state, whether patented or unpatented.~~

~~(6) "Motor vehicle" means a self-propelled vehicle including without limitation an automobile, motorbus, motorcycle, truck, and truck tractor.~~

~~(7) The word "motor vehicle" as used in [this title] shall include trailers, semitrailers, automobiles, auto trucks, motorcycles, cycle motors, and all other vehicles propelled by their own power, used upon the public highways of the state, excepting steam or gas tractors, or self-propelled wheelchairs or similar vehicles operated by invalids.~~

~~(8) The term "motor vehicle" as used in 61-3-202 and 61-3-322 includes automobile, truck, motorcycle-type vehicle, and semitrailer, trailer and housetrailer.~~

~~(9) The words "motor vehicle" as used in chapters 3~~

SECOND INTRODUCED BILL

and 4 shall include all vehicles which are self-propelled, except road rollers, traction engines, and railroad cars, farm tractors, and motorcars run upon stationary rails or tracks.

(10) "Motor vehicle", as used in part 1, chapter 6, means every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

(11) "Motor vehicle", as used in 61-3-711 through 61-3-733, means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

"Motor vehicle" means every vehicle propelled by its own power and designed primarily to transport persons or property upon the highways of the state, except that for the purpose of chapter 3 the term also includes trailers, semitrailers, and housetrailers."

Section 3. Section 61-1-103, MCA, is amended to read:

"61-1-103. Vehicle. (1) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting except

devices moved by human or animal power or used exclusively upon stationary rails or tracks. However, in chapters 3 and 4 the term means "motor vehicle" as defined in this part.

(2) For 61-10-101 through 61-10-110, the term "vehicle" is defined in subsection (3).

(3) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(4) The term "vehicle" as used in chapters 3 and 4 shall include any motor vehicle as herein defined.

(5) "Vehicle", as used in 61-3-711 through 61-3-733, means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks."

Section 4. Section 61-1-104, MCA, is amended to read:

"61-1-104. Special mobile equipment. (1) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus, and concrete mixers. The foregoing enumeration shall be deemed is partial and shall not operate to does not exclude other such

vehicles which are within the general terms of this section.

~~(2)--"Special mobile equipment" as used in 61-3-431 through 61-3-434 means every vehicle which is not designed and used primarily for the transportation of persons or property on a public highway and which is operated or moved over the highway from construction project to construction project and not removed from the confines and haul roads thereof, except for movement from construction project to storage yard, from storage yard to construction project, or from storage yard or construction project to point of repair or maintenance and return. Special mobile equipment includes, but is not limited to portable air compressors, air drills, asphalt spreaders, gravel crushing equipment and hot plant equipment, buckets, belt and front end loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, earth moving scrapers and carryalls, lighting, generating and power plants, welders, pumps, power shovels and draglines, cranes, crane mounted heel boom log loaders, fork lift trucks, lumber carriers, bunkhouses, toolhouses, shop cars, oil distributors, scales and scale houses, and conveyors. It also includes self propelled tractor drawn earth moving equipment, dump trucks, and tractor dump trailer combinations which, because of excess width, height, length or unladen weight, cannot be moved over a public highway~~

~~without a permit as provided in 61-10-121 through 61-10-127, and which are operated unladen except within the boundaries of the project limits, as defined by the contract, and adjacent haul roads. However, the term "special mobile equipment" does not include a vehicle such as a truck, truck tractor, trailer, semitrailer, housetrailer, or house car designed for the transportation of persons or property.~~"

Section 5. Section 61-1-105, MCA, is amended to read:

"61-1-105. Motorcycle. ~~(1)--"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.~~

~~(2)--"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.~~

~~(3)--The term "motorcycle"~~ "Motorcycle" as ~~used in chapters 3 and 4 shall mean~~ means a motor vehicle having not more than three wheels in contact with the ground and a saddle on which the operator sits ~~astride~~ or a platform on which he stands, and bicycles having a motor ~~attachment~~ attached thereto and a driving wheel in contact with the ground, in addition to the wheels of the vehicle itself, ~~, but a~~ A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger. The term does not

SB 113

include a tractor."

Section 6. Section 61-1-107, MCA, is amended to read:

"61-1-107. Truck. ~~(1)~~ "Truck" or "motortruck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

~~(2) For 61-10-101 through 61-10-110, the term "truck" is defined in subsection (1).~~

~~(3) The term "motortruck" as used in chapters 3 and 4 shall include all motor vehicles designed or used for the transportation of commodities, merchandise, produce, freight, or animals.~~"

Section 7. Section 61-1-108, MCA, is amended to read:

"61-1-108. Truck tractor. ~~(1)~~ "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

~~(2) For 61-10-101 through 61-10-110, the term "truck tractor" is defined in subsection (1).~~"

Section 8. Section 61-1-109, MCA, is amended to read:

"61-1-109. Farm tractor. ~~(1)~~ "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

~~(2) "Farm tractor" means every motor vehicle designed~~

~~and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.~~"

Section 9. Section 61-1-111, MCA, is amended to read:

"61-1-111. Trailer. ~~(1)~~ "Trailer" means every vehicle, with or without motive power, [other than a pole trailer], designed for carrying property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle, except that

~~(2) For 61-10-101 through 61-10-110, the term "trailer" is defined in subsection (1).~~

~~(3) The term "trailer"~~ as used in chapters 3 and 4 ~~shall include~~ the term includes every vehicle without motive power, ~~designated~~ designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle."

Section 10. Section 61-1-112, MCA, is amended to read:

"61-1-112. Semitrailer. ~~(1)~~ "Semitrailer" means every vehicle, with or without motive power, [other than a pole trailer], designed for carrying property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle, except that

~~(2) For 61-10-101 through 61-10-110, the term "semitrailer" is defined in subsection (1).~~

~~(3) The term "semitrailer"~~ as used in chapters 3 and 4

shall include the term includes every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle a pole trailer."

Section 11. Section 61-1-201, MCA, is amended to read:

"61-1-201. Highway. (1) "Highway" means the entire width between the boundary lines of every way publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

(2) "Highway" means the entire width between the boundary lines of every street, highway, and related structure as has been or shall be built and maintained with appropriated funds of the United States and which has been or shall be built and maintained with funds of the state or any political subdivision thereof or which has been or shall be dedicated to public use or has been acquired by eminent domain except that for the purpose of chapter 8 the term also includes ways which have been or shall be dedicated to public use."

Section 12. Section 61-1-202, MCA, is amended to read:

"61-1-202. Public highways highway. In 61-12-201 through 61-12-208, the term "public highways" "Public highway" means "highways" "highway" as defined in 61-1-201."

Section 13. Section 61-1-203, MCA, is amended to read:

"61-1-203. Street. (1) "Street" means the entire width between the boundary lines of every way publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

(2) "Street" means the entire width between the boundary lines of every street, highway, and related structure as has been or shall be built and maintained with appropriated funds of the United States and which has been or shall be built and maintained with funds of the state or any political subdivision thereof or which has been or shall be dedicated to public use or has been acquired by eminent domain."

Section 14. Section 61-1-305, MCA, is amended to read:

"61-1-305. Highway patrolman. "Highway patrolman" means every state officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations."

Section 15. Section 61-1-307, MCA, is amended to read:

"61-1-307. Person. (1) "Person" means every natural person, firm, partnership, association, or corporation.

(2) The term "person" as used in part 4 of chapter 4 means any individual, firm, corporation, partnership, association, trustee, receiver, or assignee for the benefit of creditors.

(3) "Person", as used in 61-4-131 through 61-4-137,

SB 113

means an individual, corporation, partnership, association, firm, or other legal entity.

~~(4) "Person" as used in part 1, chapter 6, means every natural person, firm, partnership, association, or corporation.~~

~~(5) "Person", for purposes of 61-3-711 through 61-3-733, means every natural person, firm, partnership, association, or corporation."~~

Section 16. Section 61-1-310, MCA, is amended to read:

"61-1-310. Owner. ~~(1) A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this part.~~

~~(2) The term "owner" as used in chapters 3 and 4 shall include any person, firm, association, or corporation owning or renting a motor vehicle or having the exclusive use thereof, under lease or otherwise, and shall also include a contract vendee.~~

~~(3) "Owner" as used in 61-3-711 through 61-3-733 means~~

a person who holds the legal title to a vehicle. ~~or in the event~~ If a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner ~~shall be deemed to be such~~ is the person in whom is vested right of possession or control.

~~(4) "Owner", as used in part 1, chapter 6, means a person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of part 1, chapter 6."~~

Section 17. Section 61-1-311, MCA, is amended to read:

"61-1-311. Operator. ~~(1) "Operator" means every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is~~

~~exercising control over or steering a vehicle being towed by a motor vehicle.~~

~~(2)~~ ~~"Operator" as used in part 1, chapter 6,~~ means every a person who is in actual physical control of a motor vehicle."

Section 18. Section 61-1-314, MCA, is amended to read:

"61-1-314. Dealer. ~~(1) The term "dealer" as used in part 4 of chapter 4 shall mean any person, firm, association, or corporation or other organization of any kind, character, or nature regularly engaged or intending to engage in the business of selling motor vehicles at retail within this state.~~

~~(2) "Dealer", as used in 61-4-131 through 61-4-137,~~ means a person who, ~~for commission or profit, engages in the business of buying, selling, exchanging, or acting as a broker of motor vehicles under a franchise or distribution agreement.~~

~~(3)(1)~~ ~~(a) The term "dealer"~~ "Dealer" as used in chapter 3 and part 1 of chapter 4 shall mean and include means any person, firm, association, or corporation engaged which, for commission or profit, engages in whole or in part in the business of buying, selling, exchanging, or acting as a broker of either new or used motor vehicles, or both, and who ~~is qualified~~ qualifies for issuance of a dealer's license under 61-4-101 through 61-4-105, ~~and no person, firm, association, or corporation shall be issued a dealer's license by the division unless it qualifies as a dealer defined herein.~~

~~(b)~~(2) The term "dealer" does not include the following:

~~(i)~~(a) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under a judgment or order of any court of competent jurisdiction;

~~(ii)~~(b) employees of such persons when engaged in the specific performance of their duties as such employees; or

~~(iii)~~(c) public officers while performing or in the operation of their duties.

~~(c)~~(3) A dealer dealing in used ~~cars~~ motor vehicles only shall ~~deliver to the buyer on completion of sale a transferable title, and shall~~ purchase a Montana store license. ~~Dealer shall deliver, under oath, a notarized certificate with any used motor vehicle, stating the full name and last known address of the previous owner of said motor vehicle, and state where the motor vehicle was last registered.~~"

Section 19. Section 61-1-315, MCA, is amended to read:

"61-1-315. Trailer dealer. "Trailer dealer" as used in ~~chapters 3 and 4 shall mean and include~~ means any person, firm, or corporation engaged in whole or in part in the business of buying or selling trailers or semitrailers, with

SB 113

facilities for displaying one or more trailers or semitrailers."

Section 20. Section 61-1-316, MCA, is amended to read:

"61-1-316. Manufacturer. The term "manufacturer" as ~~used--in--chapter--3--and--part-1-of-chapter-4-shall-include~~ includes any person, firm, corporation, or association engaged in the manufacture of any motor vehicles, trailers, or semitrailers as a regular business."

Section 21. Section 61-1-403, MCA, is amended to read:

"61-1-403. Official traffic-control devices. "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this ~~[act]~~ title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic."

Section 22. Section 61-1-504, MCA, is amended to read:

"61-1-504. Revocation. "Revocation" means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and ~~shall~~ may not be renewed or restored. An application for a new license may be presented and acted upon by the division after the expiration of the period of ~~such~~ the revocation ~~or suspension~~."

NEW SECTION. Section 23. Certificate of ownership. "Certificate of ownership" means the certificate issued by

the division of motor vehicles to the transferee upon a transfer of ownership of a motor vehicle.

Section 24. Section 61-2-203, MCA, is amended to read:

"61-2-203. Equipment requirements continued in force. Provisions of ~~[sections-32-21-114-to--32-21-161,--inclusive, R.C.M.--1947,]~~ chapter 9 of this title shall continue to be ~~of-force-and~~ in effect. The approval of the legislature is a condition precedent to the taking effect of any rule, regulation, or code that may be ~~issued-or~~ adopted by the commission."

Section 25. Section 61-2-204, MCA, is amended to read:

"61-2-204. State commissioner on vehicle equipment safety commission. ~~The~~ Notwithstanding section 1, chapter 272, Laws of 1971, the commissioner of this state on the vehicle equipment safety commission ~~shall-be~~ is the highway patrol chief who shall serve during his continuance as such officer. The commissioner ~~of-this-state~~ appointed pursuant to this section may designate an alternate from among the officers and employees of his agency to serve in his place ~~and--stead~~ on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of ~~such~~ the alternate ~~shall--be~~ are as determined by the commissioner designating ~~such--alternate~~ him."

Section 26. Section 61-3-101, MCA, is amended to read:

"61-3-101. Duties of division of motor vehicles — records. (1) The division of motor vehicles shall keep a record as hereinafter specified of all motor vehicles, trailers, and semitrailers of every kind, and of certificates of registration and ownership thereof, and of all dealers in motor vehicles.

(2) In the case of motor vehicles, trailers, and semitrailers, the record shall show the following:

(a) name of owner, residence by town and county, and business address;

(b) name and address of conditional sales vendor, mortgagee, or other lienholder and amount due under contract or lien;

(c) manufacturer of car;

(d) manufacturer's designation of style of car or vehicle;

(e) identifying number;

(f) year of manufacture;

(g) character of motive power and shipping weight of car as shown by the manufacturer;

(h) the distinctive license number assigned ~~such car~~ or to the vehicle;

(i) if a truck or trailer, the number of tons tons' capacity;

(j) such other information as may from time to time be found desirable.

(3) The division shall file applications for registration received by it from the county treasurers of the state and register the vehicles therein described and the owners thereof in suitable books or on index cards, as follows:

(a) under the distinctive license number assigned to the vehicle by the county ~~treasurers~~ treasurer;

(b) alphabetically under the name of the ~~owners~~ owner;

(c) numerically under make and identifying number of the vehicle;

(d) such other index of registration as the division ~~shall deem~~ considers expedient.

(4) Vehicle registration records and indexes and driver's license records and indexes may be maintained by electronic recording and storage media.

(5) In the case of dealers, the records shall show the information contained in the application for dealer's license as required by 61-4-101 through 61-4-105, as well as the distinctive license number assigned to the dealer.

(6) In order to prevent an accumulation of unneeded records and files, the division shall have the authority and it shall be its duty to destroy all records and files which have ceased to be of any value.

SB 113

(7) The division may establish and maintain a short-wave radio station in order to report motor vehicle registration information to the highway patrol, to sheriffs, and to the chiefs of police of each incorporated city of the state who are able to communicate with such short-wave radio station.

(8) All such records shall be open to inspection during all reasonable business hours, and the division shall furnish any information from said the records upon payment by the applicant of the cost of transcribing the information requested.

~~(9) The division shall appoint such deputies, subordinate officers, clerks, investigators, and other employees as may be necessary to carry out this chapter, providing there be selected as many of the clerical help from the inmates of the state prison as the division determines to be possible. All office equipment, books, files, and records belonging to the [motor department] shall be in the care and general custody and control of the division at Deer Lodge.~~"

Section 27. Section 61-3-105, MCA, is amended to read:

"61-3-105. ~~Licensee~~ Registrant as prima facie owner of vehicle. ~~Licensee of motor vehicle shall prima facie be deemed owner thereof.~~ For the purpose of this ~~[act]~~ title, except as provided by 61-3-701(3) the person appearing on

the public records as ~~licensee~~ the registrant of any motor vehicle shall prima facie be deemed the owner thereof."

Section 28. Section 61-3-106, MCA, is amended to read:

"61-3-106. Report of stolen and recovered motor vehicles. It shall be the duty of the sheriff of every county of the state and of the chief of police or commissioner of police of every city to make immediate report to the division of all motor vehicles reported to him as stolen or recovered, upon forms provided for by the division. Failure on the part of any officer shall be deemed considered to be misfeasance in office and shall constitute grounds for removal. Upon receipt of such information, the division shall file ~~the same~~ it in an index to be known as the "stolen and recovered motor vehicle index". It shall also be the duty of the division to file reports of stolen and recovered motor vehicles reported to it from other states. The division shall prepare once a month a list of all motor vehicles stolen or recovered during the previous month and forward a copy of ~~the same~~ it to every sheriff and all police departments in cities of the first, second, and third class. ~~Such~~ The list shall also be forwarded to the secretary of state or other proper official in each state of the United States. Before issuing a certificate of ~~title as heretofore provided~~ ownership, the ~~secretary of state~~ division shall check the motor and serial number on the

motor vehicle to be registered against the "stolen and recovered vehicle index"."

Section 29. Section 61-3-201, MCA, is amended to read:

"61-3-201. Transfer of ~~title or~~ interest. (1) Upon a transfer of any ~~title or~~ interest ~~of an owner~~ in ~~or to~~ a motor vehicle registered under the provisions of this chapter ~~as hereinafter required~~, the person whose ~~title or~~ interest is to be transferred shall write his signature with pen and ink upon the certificate of ownership issued for such vehicle in the appropriate space provided upon the reverse side of ~~such~~ the certificate, and ~~such~~ his signature shall be acknowledged before a notary public.

(2) Within 20 calendar days thereafter, the transferee shall forward both the endorsed certificate of ownership ~~so~~ endorsed and the certificate of registration, together with the information required under 61-3-202, to the county treasurer, who shall forward ~~the same~~ them to the division. ~~and no~~ No certificate of ownership ~~and~~ or certificate of registration may be issued by the division until the outstanding certificates are surrendered to that office or their loss is established to its reasonable satisfaction. Failure to make ~~such~~ application within the 20-day grace period subjects the transferee to a penalty of $10. The penalty is to be collected by the county treasurer at the time of registration and is in addition to the fees

otherwise provided by law.

(3) In the event of a transfer by operation of law of any ~~title or~~ interest ~~of an owner of the legal title or owner~~ in ~~and to~~ a motor vehicle as upon inheritance, devise, or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or executory sales contract, or otherwise than by voluntary act of the person whose title or interest is so transferred, the executor, administrator, receiver, trustee, sheriff, or other representative or successor in interest of the person whose ~~title or~~ interest is so transferred shall forward to the division an application for ~~registration~~ a certificate of ownership in the form required for an original application for ~~registration~~ a certificate of ownership, together with a verified or certified statement of the transfer of such ~~title or~~ interest. ~~Such~~ The statement shall set forth the reason for ~~such~~ the involuntary transfer, the ~~title or~~ interest so transferred, the name ~~or names~~ of the person ~~or persons~~ to whom ~~such~~ ~~title or~~ the interest is to be transferred, the process of procedure effecting such transfer, and ~~such~~ other information ~~as may be~~ requested by the division. ~~Such~~ ~~evidence~~ Evidence and instruments ~~as may~~ otherwise be required by law to effect a transfer of legal or equitable title to or an interest in chattels as may be required in

SB 113

such cases shall be furnished with ~~such~~ the statement. ~~In the event~~ If the division ~~shall be~~ is satisfied that ~~such~~ the transfer is regular and that all formalities as required by law have been complied with, it shall ~~cause to be sent~~ send to the owner, conditional sales ~~vendors~~ vendor, ~~lessors~~ lessor, ~~mortgagees~~ mortgagee, and other ~~lienors~~ lienor, as shown by its records, notice of ~~such~~ the intended transfer and thereafter, but not less than 5 days thereafter, shall ~~register such motor vehicle and shall~~ issue a new certificate of ownership and certificate of registration to the person ~~or persons~~ entitled thereto. The notice herein required ~~shall be deemed~~ is complied with by deposit in the post office in Deer Lodge, Montana, such notice, postage prepaid, addressed to ~~such~~ the person ~~or persons~~ at the respective ~~addresses~~ address shown on its records.

(4) When the vehicle ~~title~~ certificate of ownership that is involuntarily transferred is not registered in this state, the procedure set forth above must be followed in applying for a new certificate of ownership and certificate of registration, but the division need not send notice of intended transfer and shall issue a new certificate of ownership and a new certificate of registration to the person entitled thereto.

(5) In the event of the death of an owner of one or more motor vehicles ~~and/or trailer and/or semitrailer and/or~~

~~housetrailer~~ or trailers or semitrailers or housetrailers registered hereunder and not exceeding the value of $4,000, without leaving other property necessitating the procuring of letters of administration or letters testamentary, then the surviving husband or wife, or other heir, unless such property is by will otherwise bequeathed, may secure transfer of the certificate of ownership and the certificate of registration of the deceased, ~~in~~ and to such motor vehicle in the name of the surviving husband or wife or other heir, as above mentioned, upon filing with the division an affidavit ~~of such person~~ setting forth the fact of survivorship and the name and address of any other heirs and such other facts as are hereby made necessary to entitle the affiant to a transfer. Thereupon the division is authorized to make ~~such~~ the transfer of the certificate of ownership and certificate of registration, subject to all contracts, leases, mortgages, or other liens as shown by ~~his~~ its records.

(6) Nothing in subsection (5) shall prevent any conditional sales vendor, mortgagee, or other lienor from assigning his interest ~~or title~~ in ~~or to~~ a motor vehicle registered under the provisions of this chapter to any other person without the consent of and without ~~effecting~~ affecting the interest of the holder of the certificate of ownership and certificate of registration. Upon any

conditional sales vendor, mortgagee, or other lienor assigning his interest in any motor vehicle registered under this chapter, a copy of such assignment must be filed with the division and record thereof made upon ~~his~~ its records.

(7) The certificates of ownership shall remain valid until canceled by the division upon a transfer of any interest shown therein and need not be renewed annually.

(8) Every person who transfers any motor vehicle to a junk dealer for the purpose of scrapping ~~said~~ the vehicle shall so notify the division and deliver the certificate of ownership and certificate of registration to the division for cancellation."

Section 30. Section 61-3-202, MCA, is amended to read:

"61-3-202. Certificate of ownership -- issuance -- contents -- joint ownership ~~--issuance~~. (1) Upon completion of the application for registration, on forms furnished by the division, the county treasurer shall forward one copy of the application to the division, which shall ~~cause to be~~ entered enter the information contained in ~~said~~ the application upon the corresponding records of its office and shall furnish the applicant a certificate of ownership subject to the provisions of 61-3-103.

(2) The certificate of ownership shall contain upon the face thereof:

(a) the date issued;

~~(b) the registration number assigned to the owner and the vehicle;~~

~~(c)~~(b) the name and complete address of the owner, or the names and addresses of joint owners;

~~(d)~~(c) the name and complete address of any conditional sales vendor, and also the name and address of any other lienor as shown by ~~said~~ the application;

~~(e)~~(d) a description of the registered vehicle, including the year built and serial number, if any;

~~(f)~~(e) any lien against such motor vehicle and the amount due at the date of registration; and

~~(g)~~(f) such other statement of facts as may be determined by the division.

(3) When the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(4) Upon receipt of the application, the division shall make a recheck of the application, and ~~in the event~~ that If there is any error in the application it may be returned to the county treasurer to effectively secure the correction of such error, who shall return the same to the division.

(5) The certificate of ownership shall contain a ~~form~~

SB 113

of notice to the division of a transfer of ~~title or~~ interest of the owner and such other ~~statement on forms~~ statements as may be determined by the division."

Section 31. Section 61-3-301, MCA, is amended to read:

"61-3-301. Registration -- license plate required -- display. (1) Except as otherwise provided herein, no person shall operate a motor vehicle upon the public highways of this state ~~without a license and~~ unless such vehicle ~~shall have been~~ is properly registered and ~~shall have~~ has the proper number plates conspicuously displayed, one on the front and one on the rear of ~~such~~ the vehicle, each securely fastened ~~so as~~ to prevent ~~the same~~ it from swinging, and unobstructed from plain view, except that trailers and semitrailers shall have but one number plate conspicuously displayed on the rear. No person shall display on such vehicle at the same time any number assigned to it under any motor vehicle law, except as provided in this chapter ~~otherwise provided~~. A junk vehicle, as defined in part 5, chapter 10, Title 75, being driven or towed to an auto wrecking graveyard for disposal is exempt from the provisions of this section.

(2) No person shall purchase or display on ~~such~~ a vehicle any license plate bearing the number assigned to any county as provided in 61-3-332, other than the county of his permanent residence at the time of application for

registration. ~~Provided, however, that~~ However, the owner of any motor vehicle requiring a license plate on any motor vehicle used in the public transportation of persons or property may make application therefor in any county through which ~~said~~ the motor vehicle passes in its ~~regular~~ regularly scheduled route, and the license plate so issued bearing the number assigned to said county may be displayed on ~~said~~ the motor vehicle in any other county of the state.

(3) It ~~shall be~~ is unlawful to use license plates issued to one vehicle on any other vehicle, ~~trailers~~ trailer, or ~~semitrailers~~ semitrailer unless legally transferred as provided by statute, or ~~repainting~~ to repaint old license plates to resemble current license plates.

(4) Any person violating these provisions ~~shall be deemed~~ is guilty of a misdemeanor and ~~shall be~~ subject to the penalty ~~as~~ set out in ~~61-3-704~~ 61-3-601."

Section 32. Section 61-3-317, MCA, is amended to read:

"61-3-317. New registration required for transferred vehicle -- grace period -- penalty -- display of proof of purchase. ~~(1)~~ Except as otherwise provided herein, the new owner of ~~the~~ a transferred motor vehicle shall have ~~the~~ a grace period of 20 calendar days from the date of purchase to make application and pay the taxes, as provided by part 5 of this chapter, as if the ~~same was~~ vehicle were being registered for the first time in that registration year. If

the motor vehicle was not purchased from a duly licensed motor vehicle dealer as provided in this chapter, it ~~shall not be~~ is not a violation of this chapter or any other law for the purchaser to operate the vehicle upon the streets and highways of this state without a certificate of registration during the 20-day period~~;~~, provided, that at all times during that period a bill of sale or other proof of purchase reciting the date of purchase ~~shall be~~ is clearly displayed in the rear window of the motor vehicle. Registration and license fees collected under 61-3-321 are not required to be paid when a license plate is transferred under this section and 61-3-335. Failure to make application within the time provided herein ~~shall subject~~ subjects the purchaser to a penalty of $10. The penalty shall be collected by the county treasurer at the time of registration, and shall be in addition to the fees otherwise provided by law.

~~(2) Any purchaser of a new or used motor vehicle from a duly licensed motor vehicle dealer shall have the grace period of 20 calendar days from the date of purchase to make application for registration and to obtain registration plates, and it shall not be a violation of this chapter or any other law for such purchaser to operate such vehicle upon the streets and highways of this state without a certificate of registration and registration plates during~~

~~the 20-day period; provided that at all times during said period the sticker issued by the dealer at the time of purchase shall remain affixed to said vehicle as provided in 61-4-111. Failure to make such application within the time provided herein subjects the purchaser to a penalty of $10. The penalty is to be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law.~~"

Section 33. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles -- ~~public~~ owned public-owned vehicles exempt from license or registration fees -- disposition of fees. (1) Registration or license fees shall be paid upon registration or reregistration of motor vehicles, trailers, housetrailers, and semitrailers, in accordance with this chapter, as follows:

(a) motor vehicles weighing 2,850 pounds or under, [other than motortrucks], $5;

(b) motor vehicles weighing over 2,850 pounds, [other than motortrucks], $10;

(c) electrically driven passenger vehicles, $10;

(d) all motorcycles, $2;

(e) tractors and/or trucks, $10;

(f) buses shall be classed as motortrucks and licensed accordingly;

SB 113

(g) trailers and semitrailers less than 2,500 pounds maximum gross loaded weight and housetrailers of all weights, $2;

(h) trailers and semitrailers over 2,500 up to 6,000 pounds ~~maximum~~ gross loaded weight~~,~~ ~~(~~except housetrailers~~)~~, $5;

(i) trailers and semitrailers over 6,000 pounds ~~maximum~~ gross loaded weight, $10;

(j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery, ~~and~~ or bridge ~~material exclusively~~ materials, new and secondhand, ~~and trailers used exclusively for the transportation of road machinery and bridge materials,~~ shall pay a fee of $15 annually, regardless of size or capacity;

(k) bicycles with motor attachment, $1.

(2) All rates shall be 25% higher for motor vehicles, trailers, and semitrailers ~~when~~ not equipped with pneumatic tires.

(3) ~~Tractors~~ "Tractor", as specified in this section, ~~shall mean~~ means any motor vehicle except passenger cars used for towing a trailer or semitrailer.

(4) If any motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration or license

fee for the remainder of ~~such~~ the year shall be one-half of the regular fee ~~above given~~.

(5) When a new plate is issued, an additional fee of $1 per year for each registration of a vehicle shall be added to the registration fee. Revenue from this fee shall be forwarded by the respective county treasurers to the state treasurer for deposit in the motor vehicle recording account of the earmarked revenue fund. ~~Disbursements from the motor vehicle recording account shall be made by warrant drawn by the division.~~

(6) The provisions of this part with respect to the payment of registration fees shall not apply to or be binding upon motor vehicles, trailers or semitrailers, or tractors owned or controlled by the United States of America or any state, county, or city~~,~~ ~~but in all other respects the provisions of this section shall be applicable to and binding upon motor vehicles, tractors, trailers, and semitrailers.~~

(7) The provisions of this section relating to the payment of registration fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317(1), 61-3-332(7), ~~and~~ or 61-3-335.

~~(8) All fees other than license fees, unless otherwise specifically provided, shall hereafter be deposited in, and paid into, the earmarked revenue fund and~~

~~shall be used to pay all salaries, operating expenses, and all other expenses of the division, including the manufacture and delivery of license plates. Any reference in this code to the motor vehicle recording fund or the motor vehicle administration fund shall be taken to mean the motor vehicle recording account in the earmarked revenue fund."~~

NEW SECTION. Section 34. Disposition of fees -- use. All fees payable to the division shall be deposited in a motor vehicle recording account of the earmarked revenue fund, and shall be used to pay all salaries, operating expenses, and other expenses of the division, including the manufacture and delivery of license plates.

Section 35. Section 61-3-322, MCA, is amended to read:

"61-3-322. Certificates of registration -- issuance. (1) Upon completion of the application for registration, on forms furnished by the division, the county treasurer shall file one copy in his office and issue to the applicant two copies of the application marked "Owner's Certificate of Registration and Tax Receipt", one of which shall be marked "file copy".

(2) The certificate of registration shall contain upon the face thereof:

(a) the date issued;

(b) the registration number assigned to the owner and

the vehicle;

(c) the name and complete address of the owner, or the names and addresses of joint owners;

(d) the name and complete address of any conditional sales vendor, and also the name and address of any other lienor as shown by ~~said~~ the application;

(e) a description of the registered vehicle, including the year built and serial number, if any;

(f) any lien against ~~such~~ the motor vehicle and the amount due at the date of registration; and

(g) ~~such~~ any other statement of facts as may be determined by the division.

(3) Every owner, upon receiving a registration receipt, shall write his signature thereon with pen and ink in the space provided. Every ~~such~~ registration receipt or a notarized photostatic copy ~~thereof~~ or a duplicate thereof furnished by the division shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle, who shall display ~~the same~~ it upon demand of a police officer or any officer or employee of the division or the highway department.

~~(4) Upon receipt of application for registration, in quintuplet, and payment of license fees and taxes as herein provided, the county treasurer shall~~

SB 113

~~(a) file one copy of said application in his office;~~

~~(b) issue to the applicant two copies of the application entitled "Owner's Certificate of Registration and Tax Receipt" one of which shall be marked "file copy"; and~~

~~(c) forward one copy to the county clerk and recorder.~~

~~(5)~~(4) The county treasurer shall daily forward to the division one copy of ~~the application~~ all applications for registration received that day.

~~(6)~~(5) It shall not be necessary for the county treasurer~~, in said receipt,~~ to segregate the amount of ~~said~~ taxes for state, ~~county~~, school district, and municipal purposes in the receipt."

Section 36. Section 61-3-405, MCA, is amended to read:

"61-3-405. Application for personalized plates -- ~~duplication -- good taste.~~ An applicant for ~~issuance of~~ personalized license plates or renewal of such plates in subsequent years pursuant to 61-3-401 through 61-3-406 shall file an application therefor in ~~such~~ the form and by ~~such~~ the date as the ~~department may require~~ division requires, indicating thereon the combination of letters or numbers, or both, requested as a registration number. There shall be no duplication of registration numbers, and the division may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste

and decency or which ~~would be~~ are misleading or a duplication of license plates provided for elsewhere in this title."

Section 37. Section 61-3-411, MCA, is amended to read:

"61-3-411. Registration of motor vehicles owned and operated solely as collectors' items. (1) ~~Any~~ An owner of a motor vehicle ~~manufactured in 1933 or earlier or manufactured in 1934 or later and~~ more than 30 years old, used solely as a collectors' item and not for general transportation purposes, may file with the division an application for the registration of ~~such~~ the motor vehicle, stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, the gross weight thereof, the year and number of the model, and the manufacturer's identification number and serial number, and setting forth a specific statement that the vehicle is owned and operated solely as a collectors' item and not for general transportation purposes. ~~Said~~ The application shall be sworn to before an officer authorized to administer oaths.

(2) The registration fee for all such motor vehicles weighing 2,850 pounds or less ~~shall be~~ is $5, and the registration fee for all such motor vehicles weighing more than 2,850 pounds ~~shall be~~ is $10.

(3) Upon receipt of ~~said~~ the application for

registration and payment of the registration fees, ~~above provided--for~~ the division shall file ~~said~~ the application and register the motor vehicle therein described in the manner specified in 61-3-101, and shall deliver to the applicant:

(a) for motor vehicles manufactured in 1933 or earlier, two license plates bearing the inscription "Pioneer--Montana" and the registration number; or

(b) for motor vehicles manufactured in 1934 or later and more than 30 years old, two license plates bearing the inscription "Vintage--Montana" and the registration number.

(4)The year of issuance shall not be shown on the plates.

~~(4)~~(5) ~~No annual~~ Annual renewal of the registration of any such motor vehicle ~~shall be~~ is not required, and the ~~same--shall--be~~ registration is valid as long as the vehicle is in existence; provided, however, that upon ~~any~~ sale of such motor vehicle, the purchaser ~~shall be~~ is required to renew the registration thereof and pay the license fees hereinbefore specified."

Section 38. Section 61-3-502, MCA, is amended to read:

"61-3-502. Sales tax on new motor vehicles -- exemptions. (1) In consideration of the right to use the highways of the state, there ~~shall be~~ is imposed a tax upon all sales of new motor vehicles for which a license is

sought and an original application for title is made. The tax shall be paid by the purchaser when he applies for his original Montana license through the county treasurer.

(2) The sales tax shall be:

(a) 1 1/2% of the ~~f.o.b.~~ f.o.b. factory list price or ~~f.o.b.--port--of--entry~~ f.o.b. port-of-entry list price, during the first quarter of the year or prorated one-twelfth for each month or part of month for a registration period other than a calendar year or calendar quarter;

(b) 1 1/8% of the list price during the second quarter of the year;

(c) 3/4 of 1% during the third quarter of the year;

(d) 3/8 of 1% during the fourth quarter of the year.

(3) If the manufacturer or importer fails to furnish the ~~f.o.b.~~ f.o.b. factory list price or ~~f.o.b.--port-of-entry~~ f.o.b. port-of-entry list price, the ~~department~~ division may use published price lists.

(4) The proceeds from this tax shall be remitted to the state treasurer every 30 days for credit to the state highway account of the earmarked revenue fund.

(5) The new vehicle is not subject to any other assessment or taxation during the calendar year in which the original application for title is made.

(6) (a) The applicant for original registration of any ~~wholly~~ new and unused motor vehicle, or a new motor vehicle

SB 113

furnished without charge by ~~the~~ a dealer to ~~the~~ a school district for use as a traffic education motor vehicle by a school district operating a state-approved traffic education program within the state, whether or not previously licensed or titled to the school district, ~~(~~except a mobile home as defined in 15-1-101(1)~~)~~, acquired by original contract after January 1 of any year, ~~shall be~~ is required, whenever ~~such~~ the vehicle has not been otherwise assessed, to pay the motor vehicle sales tax provided by this section irrespective of whether the vehicle was in the state of Montana on January 1 of the year.

(b) No ~~such~~ motor vehicle may be registered or licensed under the provisions of this subsection unless the application for registration is accompanied by a statement of origin to be furnished by the dealer selling the vehicle, showing that the vehicle has not previously been registered or owned, except as otherwise provided herein, by any person, firm, corporation, or association that is not a new motor vehicle dealer holding a franchise or distribution agreement from a new car manufacturer, distributor, or importer.

(7) ~~(~~a~~)~~ Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or towns and within 15 miles from such limits are exempt from subsection (1).

~~(~~b~~)~~ Motor vehicles brought or driven into Montana by a nonresident, migratory, bona fide agricultural worker temporarily employed in agricultural work in this state where those motor vehicles are used exclusively for transportation of agricultural workers are also exempt from subsection (1).

~~(~~c~~)~~ Vehicles lawfully displaying a licensed dealer's plate as provided in ~~61-4-102~~ 61-4-103 are exempt from subsection (1) when moving to or from a dealer's place of business when ~~unladen~~ unloaded or ~~laden~~ loaded with dealer's property only, and in the case of vehicles having a gross ~~laden~~ loaded weight of less than 24,000 pounds, while ~~in the process of demonstration~~ being demonstrated in the course of the dealer's business."

Section 39. Section 61-3-503, MCA, is amended to read:

"61-3-503. Assessment. (1) A person who files an application for registration or reregistration of a motor vehicle, except of a mobile home as defined in 15-1-101(1), shall before filing such application with the county treasurer submit the ~~same~~ application to the county assessor ~~of the county~~. The county assessor shall enter on the application in a space to be provided for that purpose the market value and taxable value of the vehicle for the year for which the application for registration is made.

(2) Except as provided in subsection (3), motor

vehicles, except mobile homes as defined in 15-1-101(1), are assessed for taxes on January 1 in each year irrespective of the time fixed by law for the assessment of other classes of personal property and irrespective of whether the levy and tax may be a lien upon real property within the state. In no event may any motor vehicle be subject to assessment, levy, and taxation more than once in each year.

(3) Vehicles subject to the provisions of 61-3-313 through 61-3-316 shall be assessed as of the first day of ~~the year in which~~ the registration period, ~~occurs~~ and a lien for taxes and fees due thereon shall occur on the anniversary date of the registration and shall continue ~~thereafter~~ until such fees and taxes ~~shall~~ have been paid."

Section 40. Section 61-3-505, MCA, is amended to read:

"61-3-505. Payment of taxes ~~--record.~~ ~~(1)~~ Upon accepting application for registration or reregistration of any motor vehicle which is subject to taxation in this state on January 1 in any year and upon payment of taxes, the county treasurer shall stamp on the application, "taxes on this vehicle due January 1 of current year paid by applicant, prior applicant, or owner, and this vehicle is eligible for registration". Upon accepting application for registration of any motor vehicle which was not subject to taxation in this state on January 1 in any year, the county treasurer shall indicate the fact by proper entry on the

application.

~~(2) The division may make proper entry of the payment of taxes in accord with the facts on any certificate of title to a motor vehicle.~~"

Section 41. Section 61-3-508, MCA, is amended to read:

"61-3-508. Junk vehicle disposal fee. A special junk vehicle disposal fee shall be assessed on each new application for a motor vehicle title and on each transfer of a motor vehicle title in the amount of $1.50 on passenger cars and trucks under 8,001 pounds GVW. An additional special junk vehicle disposal fee shall be assessed in the amount of 50 cents on each passenger car and truck under 8,001 pounds GVW registered for licensing. The fees shall be collected by the county treasurer. However, the following are exempt from payment of the fees:

(1) vehicles leased or owned by the state or by a county or municipality;

(2) vehicles used for transportation by nonresident, migratory workers temporarily employed in agricultural work in this state;

(3) vehicles displaying ~~dealers'~~ dealer's license plates, as provided in ~~[53-122]~~ 61-4-103, while owned by a dealer; and

(4) housetrailers or equipment which ~~are~~ is not self-propelled or which ~~require~~ requires towing upon a

SB 113

highway of this state."

Section 42. Section 61-3-601, MCA, is amended to read:

"61-3-601. Penalty for violations. ~~The~~ Except as otherwise provided, a violation of any of the provisions of ~~61-3-101, 61-3-107, 61-3-201, 61-3-202, 61-3-301, 61-3-302, 61-3-303, 61-3-311, 61-3-312, 61-3-322, 61-3-331, 61-3-332, 61-3-333, 61-3-421, 61-3-421, 61-3-425, 61-3-503, 61-3-504, 61-3-505, or 61-3-509 shall constitute~~ this chapter is a misdemeanor and ~~shall be~~ is punishable by a fine not exceeding $25. Nothing ~~herein contained shall prevent~~ contained herein prevents the prosecution of a person for an offense committed under any other law."

Section 43. Section 61-3-602, MCA, is amended to read:

"61-3-602. Enforcement. It is ~~hereby made~~ mandatory upon all police and peace officers of the state, of the counties of the state, and of towns, cities, and villages to carry out the provisions of this chapter and 61-4-101 through 61-4-105 ~~and the sections listed in 61-3-601~~."

Section 44. Section 61-3-603, MCA, is amended to read:

"61-3-603. Penalty for alteration or forgery of certificate of ~~title~~ ownership or assignment thereof. Any person who ~~shall alter~~ alters or ~~forge~~ forges or ~~cause~~ causes to be altered or forged any motor vehicle certificate of ~~title~~ ownership or any assignment thereof or who ~~shall hold~~ holds or ~~use~~ uses any such certificate or assignment

knowing ~~the same~~ it to have been altered or forged ~~shall be deemed~~ is guilty of a felony, and upon ~~which~~ conviction thereof ~~shall be liable to pay~~ is subject to a fine of not more than $5,000 or to imprisonment in any penal institution within the state for a period of not more than 10 years, or both, in the discretion of the court."

Section 45. Section 61-3-604, MCA, is amended to read:

"61-3-604. Penalty for altering identification number. (1) A person who willfully removes or falsifies an identification number of a motor vehicle or ~~engine for a~~ motor vehicle engine is guilty of a misdemeanor.

(2) Any person or persons, firm, or corporation which ~~shall sell~~ sells or ~~offer~~ offers for sale in this state a vehicle, the original ~~engine~~ vehicle identification number of which has been destroyed, removed, altered, covered, or defaced, with the exception of electrically propelled vehicles, ~~shall be deemed~~ is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $200 or more than $500 and by imprisonment in the county jail for a term of not less than 30 days or more than 180 days. ~~and upon~~ Upon a second or subsequent conviction under this subsection, the punishment shall be imprisonment in the state prison for a term of not less than 1 year or more than 5 years."

Section 46. Section 61-3-701, MCA, is amended to read:

"61-3-701. Foreign vehicles used in gainful occupation to be registered -- reciprocity. (1) Before any foreign licensed motor vehicle ~~shall~~ may be operated on the highways of this state for hire, compensation, or profit, or before the owner and/or user thereof uses the vehicle if such owner and/or user is engaged in gainful occupation or business enterprise, in the state, including highway work, the owner of ~~such~~ the vehicle shall make application to a county treasurer for registration, upon an application form furnished by the division. Upon satisfactory evidence of ownership submitted to ~~such~~ the county treasurer and the payment of property taxes as ~~is~~ required by 15-8-201 through 15-8-203 or 15-24-301, the treasurer shall accept the application for registration and shall collect the regular license fee required for the vehicle.

(2) The treasurer shall thereupon issue to the applicant a copy of the application entitled "Owner's Certificate of Registration and Tax Receipt" and forward a duplicate copy of certificate ~~of registration~~ to the division. The treasurer shall at the same time issue to the applicant the proper license plates or other identification markers, which shall at all times be displayed upon ~~such~~ the vehicle when operated or driven upon roads and highways of this state during the period of the life of ~~such~~ the license.

(3) The registration receipt shall not constitute evidence of ownership, but shall ~~only~~ be used only for registration purposes. No Montana certificate of ~~title~~ ownership shall be issued for this type of registration.

(4) This section ~~shall~~ is not be applicable to any vehicle covered by a valid and existing reciprocal agreement or declaration entered into under the provisions of the laws of Montana."

Section 47. Section 61-4-101, MCA, is amended to read:

"61-4-101. Application for deler's license. (1) Every person, firm, corporation, or association ~~who~~ which, for commission or profit, engages in the business of buying, selling, exchanging, or acting as a broker of new motor vehicles, used motor vehicles, trailers, (except trailers having an ~~unladen~~ unloaded weight of less than 500 pounds), semitrailers, or special mobile equipment as defined in 61-1-104 ~~and qualifies under [subparagraph (f)] of this section~~ shall ~~cause to be filed~~ file, by mail or otherwise, in the office of the division, a verified application for ~~licensing~~ licensure as a dealer, on a blank to be furnished by the division for that purpose, and containing the information ~~therein~~ required. The application and all of the information ~~therein~~ contained in it shall be verified by the Montana highway patrol. Each application must be accompanied by the license fee hereinafter ~~named~~ specified. ~~Dealer's~~ A

dealer's license must be renewed and paid for annually, and an application for ~~relicensing~~ relicensure must be filed not later than January 1 of each year.

(2) To qualify for ~~licensing~~ licensure and the issuance and use of "D", "UD", "DTR", or "MCD" plates, as hereinafter provided, the applicant must furnish the following information and qualify under the following provisions:

(a) To qualify as a new motor vehicle dealer and for the use of "D" plates, the applicant must:

(i) state the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock of motor vehicles is displayed;

(ii) state the name and address of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary ~~thereof~~ are sufficient;

(iii) state the name and make of all motor vehicles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written new motor vehicle franchise or sales agreement;

(iv) execute a certificate to the effect that the applicant has a permanent building for the display and sale of new motor vehicles at the location of the premises where

sales are conducted;

(v) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of motor vehicles; and

(vi) execute a certificate to the effect that the applicant is a bona fide dealer in new motor vehicles and that he is recognized by a manufacturer, importer, or distributor as a dealer in new motor vehicles.

(b) To qualify as a used motor vehicle dealer and for the use of "UD" plates, or as a trailer, semitrailer, or special mobile equipment dealer and for the use of "DTR" plates, or as a motorcycle dealer and for the use of "MCD" plates, the applicant must, in addition to the matters set forth in subsections (i) and (ii) of subsection (2)(a) above, provide:

(i) a statement that the applicant has a building or lot and a sign readable at a minimum distance of 150 feet and indicating the firm name and headquarters as the principal place of business; and

(ii) a certificate to the effect that the applicant is a bona fide dealer in used motor vehicles, trailers, semitrailers, special mobile equipment, or motorcycles.

(c) To qualify for a used motor vehicle ~~dealer~~ dealer's license, a person must submit an annual application for that license and comply with the provisions of

61-4-102(5) in addition to fulfilling the requirements of subsection (2)(b) above.

(d) The provisions of subsection (2)(c) above do not apply to an applicant who is licensed as a motor vehicle wrecking facility under the provisions of Title 75, chapter 10, part 5.

(3) The applicant for a dealer's license shall also file with his application a good and sufficient bond in the sum of $5,000, and the bond shall be conditioned that the applicant shall conduct his business in accordance with the requirements of the law. All bonds shall run to the state of Montana and shall be approved by the division and filed in its office and shall be renewed annually."

Section 48. Section 61-4-104, MCA, is amended to read:

"61-4-104. Record of purchase or sale. Every dealer licensed under 61-4-101 shall keep a book or record of the ~~purchase, sale,~~ purchases, sales or ~~exchange~~ exchanges, or ~~receipt~~ receipts for the purpose of sale, of ~~any~~ used ~~vehicle~~ vehicles and a description of such vehicles, together with the name and address of the seller, of the purchaser, and of the alleged owner or other person from whom ~~such~~ each vehicle was purchased or received, or to whom it was sold or delivered, as the case may be. ~~Such~~ The description in the case of motor vehicles shall also include the engine number, if any, ~~the~~ maker's number, if any,

chassis number, if any, and such other numbers or identification marks as ~~may be~~ appear thereon and shall include a statement that a number has been obliterated, defaced, or changed if such is the fact. In the case of a trailer, semitrailer, or special mobile equipment, the record shall include the manufacturer's number and such other numbers or identification marks as ~~may be~~ appear thereon. ~~He~~ The dealer shall also have in his possession a duly assigned certificate of ~~title~~ ownership from the owner of ~~said~~ the motor vehicle ~~in accordance with the provisions of [another section of this act]~~, from the time when the motor vehicle is delivered to him until it has been disposed of by him."

Section 49. Section 61-4-113, MCA, is amended to read:

"61-4-113. New motor vehicles towed into state to be labeled. (1) Any firm, person, corporation, or association ~~of persons~~ or any ~~employee of such or any of such~~ of their employees offering for sale or carrying on the business of selling new motor vehicles in the state of Montana shall be required to prominently label any motor vehicle which has been driven under its own power, pushed, towed, or propelled by any other means to sufficiently identify it from other new vehicles that have not been so driven, pushed, or towed and shall be required to furnish the purchaser of any such motor vehicle with a certificate, on a printed form to be

SB 113

furnished by the ~~[registrars of motor vehicles]~~ division upon request by such dealers, showing the actual number of miles ~~such~~ the motor vehicle has been driven under its own power and the number of miles ~~such~~ the vehicle has been pushed, towed, or otherwise propelled upon its own wheels. Any firm, person, corporation, or association ~~of persons~~ or ~~employes of such or any of such~~ any of their employees who fails to so prominently label and issue ~~such~~ the certificate or who knowingly issues a certificate that is untrue and calculated to mislead the purchaser ~~shall be~~ is guilty of a misdemeanor.

(2) The provisions of this section ~~shall not~~ do not apply to motor vehicles during the period ~~or~~ of time that such motor vehicles are used for bona fide demonstrating purposes."

Section 50. Section 61-4-114, MCA, is amended to read:

"61-4-114. Demonstration of trucks and trailers authorized -- dealer's plate to be used -- exemptions. (1) A new or used truck or trailer dealer licensed under 61-4-101 through 61-4-106 may not demonstrate to a prospective purchaser a truck, truck tractor, trailer, or semitrailer owned by or consigned to the dealer or otherwise controlled by the dealer without securing a demonstration permit and paying the ~~fees~~ fee required in 61-4-115. The vehicle must display the dealer's registration plate or other current

Montana registration and the demonstration permit.

(2) Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or towns and within 15 miles from such limits are exempt from subsection (1). Motor vehicles brought or driven into Montana by a nonresident migratory, bona fide agricultural worker temporarily employed in agricultural work in this state where those motor vehicles are used exclusively for transportation of agricultural workers are also exempt from subsection (1). Vehicles lawfully displaying a licensed dealer's plate as provided in ~~[61-4-102]~~ 61-4-103 are exempt from subsection (1) when moving to or from a dealer's place of business when ~~unladen~~ unloaded or ~~laden~~ loaded with dealer's property only, and in the case of vehicles having a gross ~~laden~~ loaded weight of less than 24,000 pounds, while ~~in the process of demonstration~~ being demonstrated in the course of the dealer's business."

Section 51. Section 61-4-305, MCA, is amended to read:

"61-4-305. ~~Fees provided to be~~ Driveaway or towaway fees in lieu of other fees payable -- election to pay other fees. The fees provided for driveaway or towaway transporters are ~~declared to be~~ in consideration of the right to use the highways of the state, and except as provided in 61-4-304 are in lieu of all other fees including

those which might be payable under the provisions of part 2 of chapter 10. However, any operator may elect to pay the fees payable under the provisions of that part."

Section 52. Section 61-4-403, MCA, is amended to read:

"61-4-403. Certain financing agreements prohibited. It ~~shall be~~ is unlawful for any manufacturer or wholesale distributor of motor vehicles to sell or enter into a contract for the sale of motor vehicles to any motor vehicle dealer on the condition or under an agreement, expressed or implied, that ~~such~~ the dealer ~~shall~~ will finance the purchase or sale of any motor vehicle or vehicles only through a designated finance company or finance agency. Any such condition, agreement, or understanding is ~~hereby declared to be~~ against the public policy of the state, and such condition, agreement, or understanding ~~shall be~~ is unlawful, void, and unenforceable, either ~~as~~ at law or equity."

Section 53. Section 61-5-101, MCA, is amended to read:

"61-5-101. Drivers' examination section of division of motor vehicles. (1) There is ~~hereby created~~ a drivers' examination section of the division of motor vehicles ~~under the direct control and supervision of the division~~. The ~~division~~ section shall maintain a permanent place of business at the state capital ~~and shall meet at least once each month for the purpose of transacting business either as~~

~~the drivers' examining board, the division, or jointly for the two~~. The division administrator shall select a chief examiner, deputy chief examiner, and as many assistant chief examiners and examiners as it ~~deems~~ considers necessary and shall provide for the necessary clerical help.

(2) The chief examiner, deputy chief examiner, assistant chief examiners, and all examiners shall have the same qualifications as are required for members of the Montana highway patrol. The chief examiner shall rank as a captain, the deputy chief examiner as a lieutenant, the assistant chief examiners ~~shall rank~~ as sergeants, and the examiners ~~shall rank~~ as patrolmen."

Section 54. Section 61-5-103, MCA, is amended to read:

"61-5-103. Residency requirement. Any person who has resided in this state for a period exceeding 90 days is considered to be a resident for the purpose of being licensed to ~~drive~~ operate a motor vehicle and must thereafter be licensed ~~to drive~~ under the laws of this state before operating a motor ~~vehicles under the laws of this state~~ vehicle."

Section 55. Section 61-5-111, MCA, is amended to read:

"61-5-111. Licenses issued to operators and chauffeurs -- renewals and expiration ~~thereof~~ -- fees -- disposition. (1) The division shall have authority to appoint county treasurers and other qualified officers to act as its agents

SB 113

for the sale of ~~drivers'~~ driver's licenses, and shall make necessary rules governing such sales. The division, upon receipt of payment of the fees specified in this section, ~~(of which sum 5% shall be retained by the county treasurer for use of the county general fund)~~ shall issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for. Such licenses shall contain a photograph of such the licensee in ~~such~~ the size and form as ~~may be~~ prescribed by the division, a distinguishing number issued to the licensee, the full name, date of birth, ~~resident~~ residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which he shall write his signature in pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(2) The division shall, when any person applies for renewal of an operator's or chauffeur's license, test the applicant's eyesight, and may also in the division's discretion have ~~such~~ the applicant demonstrate his physical ability to operate and to exercise ordinary and reasonable care in the operation of a motor vehicle. A person shall be ~~deemed~~ considered to have applied for renewal of a Montana operator's or chauffeur's license if ~~such~~ the application is made within 3 months of the expiration of ~~such~~ his license.

(3) Licenses ~~issued~~ shall expire on the anniversary of the date of birth of the licensee 4 years or less after the date of issue.

(4) Whenever the division issues an original license to a person under the age of 18 years, ~~such~~ the license shall be designated and clearly marked as a "provisional license". Any license so designated and marked may be suspended by the division for a period of not more than 12 months, when its ~~record discloses~~ records disclose that the licensee, subsequent to the issuance of such license, has been guilty of careless or negligent driving. Upon renewal as applicable to operator's licenses, the division may, for any reasonable cause, as shown by its records, designate the renewal of the license as provisional, ~~;~~ otherwise, a license in usual form shall be issued subject to other provisions of the laws of Montana.

(5) It shall be unlawful for any person to have in his possession or under his control more than one Montana operator's or chauffeur's license at any one time. ~~Licenses shall~~ A license is not be valid for the operation of a motorcycle until the holder thereof has completed the requirements of 61-5-110 and the license has been clearly marked with the words "motorcycle endorsement".

(6) Fees for ~~drivers'~~ driver's licenses shall be as follows:

(a) driver's license -- $2 per year or fraction thereof;

(b) motorcycle endorsement -- 50 cents per year or fraction thereof.

(7) The county treasurer or other agent of the division collecting such fees shall retain 5% of each fee for the use of the county general fund and shall transmit the remainder to the state treasurer, who shall deposit to the credit of the state general fund all ~~moneys~~ money received by him from the collection of ~~motor-vehicle driver's license~~ the fees."

Section 56. Section 61-5-112, MCA, is amended to read:

"61-5-112. Classification of chauffeurs -- special restrictions. (1) The division upon issuing a chauffeur's license shall indicate thereon the class of license so issued and shall appropriately examine each applicant according to the class of license applied for and may impose such rules for the exercise thereof as it ~~may deem~~ considers necessary for the safety and welfare of the traveling public.

(2) No person ~~who is under the age of 18 years shall~~ may drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons for compensation ~~or in either event~~ until he has been licensed as a chauffeur for either such purpose and the

license so indicates. The division ~~shall~~ may not issue a chauffeur's license for either ~~such~~ purpose unless the applicant has had at least 1 year of driving experience prior thereto and the division is fully satisfied as to the applicant's competency and fitness to be employed."

Section 57. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation. (1) The division may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than 1 year, except as permitted under 61-5-207, 61-5-212, ~~61-6-122~~ 61-6-123, and 61-11-211.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked ~~shall~~ is not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the period of such revocation or suspension, ~~such~~ the person may make application for a new license as provided by law, but the division may not then issue a new license unless and until it is satisfied after investigation of character, habits, and driving ability of ~~such~~ the person that it ~~will be~~ is safe to grant the privilege of driving a motor vehicle on the public highways. ~~Provided, however,~~ when When any person is convicted or forfeits bail or collateral not vacated for the offense of operating or being

SB 113

in actual physical control of a motor vehicle while under the influence of alcohol or a narcotic drug, or knowingly or willingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle or a combination thereof, the division shall, upon receiving a report of such conviction or forfeiture of bail or collateral not vacated, suspend the license or driving privilege of ~~such~~ the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the division shall revoke the license or driving privilege of ~~such~~ the person for a period of 1 year.

(3) The ~~revocation~~ period for all revocations made mandatory by 61-5-205 shall be 1 year except as provided in subsection (2) of this section.

(4) The period of revocation for any person convicted of any offense which makes mandatory the revocation of the operator's or chauffeur's license ~~shall commence~~ commences from date of conviction or forfeiture of bail."

Section 58. Section 61-5-302, MCA, is amended to read:

"61-5-302. Unlawful use of license. It is a misdemeanor for any person to:

(1) display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or altered operator's or chauffeur's license;

(2) lend his operator's or chauffeur's license to any other person or knowingly permit the ~~its~~ use thereof by another;

(3) display or represent as one's own any operator's or chauffeur's license not issued to him;

(4) fail or refuse to surrender to the division upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked, or canceled;

(5) use a false or fictitious name in any application for an operator's or chauffeur's license or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application; or

(6) permit any unlawful use of an operator's or chauffeur's license issued to him ~~or~~.

~~(7) do any act forbidden or fail to perform any act required by parts 1 through 3 of this chapter and 61-11-101.~~"

Section 59. Section 61-5-303, MCA, is amended to read:

"61-5-303. Making false affidavit ~~perjury -- penalty~~. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of parts 1 through 3 of this chapter to be sworn to or affirmed, is guilty of ~~perjury~~ false swearing and upon conviction shall be punishable ~~by fine or imprisonment as~~

~~other--persons-committing-perjury-are-punishable~~ as provided by 45-7-202."

Section 60. Section 61-6-102, MCA, is amended to read:

"61-6-102. Definitions. The following words and phrases, when used in this part, ~~shall, for the purposes of this part,~~ have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) "Judgment" means any judgment that ~~shall have~~ has become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(2) "License" means any license, temporary instruction permit, or temporary license issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles.

(3) "Nonresident's operating privilege" means the

privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state.

(4) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance, or use of a motor vehicle, ~~in the amount of $10,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, in the amount of $20,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of $5,000 because of injury to or destruction of property of others in any one accident.~~

(5) "State" means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada."

Section 61. Section 61-6-105, MCA, is amended to read:

"61-6-105. Division to administer law and make rules. ~~(1)~~ The division shall administer and enforce the provisions of this part and may make rules necessary for its administration and may provide for hearings upon request of persons aggrieved by orders or acts of the division under the provisions of this part.

~~(2) An executive assistant to the chief shall be~~

SB 113

~~appointed by the division subject to and in accordance with [31-105 and 31-106] who shall be vested with full power and authority to act for and on behalf of the chief in the administration of this part; and who shall perform such other and further duties as shall be prescribed by the division. The salary of the executive assistant shall be the same as that of a captain.~~"

Section 62. Section 61-6-124, MCA, is amended to read:

"61-6-124. Satisfaction of judgments. (1) Judgments herein referred to shall, for the purposes of this part only, be ~~deemed~~ considered satisfied:

(a) when ~~$10,000~~ $25,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(b) when, subject to ~~such~~ the limit of ~~$10,000~~ $25,000 because of bodily injury to or death of one person, the sum of ~~$20,000~~ $50,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) when $5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(2) Payments made in settlement of any claims because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section."

Section 63. Section 61-6-137, MCA, is amended to read:

"61-6-137. Bond as proof of responsibility. (1) Proof of financial responsibility may be furnished by filing with the division the bond of a surety company duly authorized to transact business in the state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of such bond, which real estate shall be scheduled in the bond approved by a judge of a court of record. ~~Such~~ The bond shall be conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy, and shall not be cancelable except after 10 days' written notice to the division. Upon the filing of notice to ~~such~~ this effect by the division in the office of the county clerk and recorder of the county wherein such real estate ~~shall be~~ is located, ~~such~~ the bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a judgment against the person who has filed ~~such~~ the bond.

(2) The person in whose favor ~~said~~ the lien ~~shall~~

~~exist~~ exists may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing ~~such~~ the bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of any person who has executed such bond. The provisions of the ~~code~~ Montana Rules of ~~civil procedure~~ Civil Procedure, except insofar as ~~the same~~ they are inconsistent with the provisions of this part, are applicable to and constitute the rules of practice in the foreclosure actions or proceedings. The provisions of the ~~code~~ Montana Rules of ~~civil procedure~~ Civil Procedure relative to new trials and appeals, except insofar as ~~the same~~ they are inconsistent with the provisions of this part, apply to ~~said~~ the actions or proceedings."

Section 64. Section 61-7-109, MCA, is amended to read:

"61-7-109. Written reports of accidents -- additional information -- form of report. (1) The operator of any motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person in excess of $250 is sustained, shall, within 10 days after such accident, report the matter in writing to the division.

(2) The division may require any driver of a ~~vehicle~~ involved in an accident, of which report must be made as provided in this section, to file supplemental reports

whenever the original report is insufficient, and may require witnesses of accidents to render reports.

(3) Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident, of which report must be made as required in this part, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall within 10 days after completing ~~such~~ the investigation forward a written report of ~~such~~ the accident to the division.

(4) The form of the accident report required under this section shall contain information sufficient to enable the ~~department~~ division to determine whether the requirements for the deposit of security for safety responsibility are inapplicable by reason of the existence of insurance or other exemptions specified in this part."

Section 65. Section 61-8-101, MCA, is amended to read:

"61-8-101. Application -- exceptions. (1) The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(a) where a different place is specifically referred to in a given section;

(b) the provisions of 61-8-301 and 61-8-401, with regard to operating a vehicle while under the influence of

SB 113

drugs, shall apply upon highways and elsewhere throughout the state.

(2) The operation of motor vehicles directly across the public roads and highways of this state, especially as required in the transportation of natural resource products, including agricultural products and livestock, shall not be considered to be the operation of such vehicles on the public roads and highways of this state, provided that such crossings are adequately marked with ~~such~~ warning signs or devices, ~~and~~ Such crossings are subject to provisions relating to stopping before entry, and to restoration of any damage, as may reasonably be prescribed by the state or local agency in control of safety of operation of the public highway involved."

Section 66. Section 61-8-304, MCA, is amended to read:

"61-8-304. Declaration of speed limits -- exception to the basic rule. The attorney general shall declare by proclamation filed with the secretary of state a speed limit for all motor vehicles on all public streets and highways in the state whenever the establishment of such a speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal Aid Highway Act of 1973 and all acts amendatory thereto or any other federal statute. ~~Such~~ The speed limit may not be less than that required by

federal law, and the attorney general shall by further proclamation change the speed limit adopted pursuant to this section to comply with federal law. Any proclamation issued pursuant to this section becomes effective at midnight of the day upon which it is filed with the secretary of state. A speed limit imposed pursuant to this section is an exception to the basic rule requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312."

Section 67. Section 61-8-322, MCA, is amended to read:

"61-8-322. Passing vehicles proceeding in opposite directions. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at ~~least~~ as nearly as possible one-half of the main-traveled portion of the roadway ~~as nearly as possible~~."

Section 68. Section 61-8-339, MCA, is amended to read:

"61-8-339. Vehicle approaching or entering intersection. (1) When two vehicles enter or approach an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(2) The right-of-way rule declared in subsection (1)

is modified at through highways and otherwise as ~~hereinafter~~ stated in this ~~[article]~~ chapter."

Section 69. Section 61-8-401, MCA, is amended to read:

"61-8-401. Persons under the influence of alcohol or drugs. (1) It is unlawful and punishable as provided in 61-8-714(1) for any person who is under the influence of: ~~alcohol--or--any-narcotic-drug-or-any-other-drug-to-a-degree which-renders--him--incapable--of--safely--driving--a--motor vehicle-to-drive-or-be-in-actual-physical-control-of-a-motor vehicle-within-this-state.~~

(a) alcohol to drive or be in actual physical control of a motor vehicle upon the highways of this state;

(b) a narcotic drug to drive or be in actual physical control of a motor vehicle within this state; or

(c) any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive or be in actual physical control of a motor vehicle within this state.

(2) The fact that any person charged with a violation of ~~this~~ subsection (1) is or has been entitled to use such a drug under the laws of this state does not constitute a defense against any charge of violating ~~this~~ subsection (1).

~~(2)~~(3) In any criminal prosecution for a violation of subsection (1) of this section relating to driving a vehicle while under the influence of alcohol, the amount of alcohol

in the defendant's blood at the time alleged, as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance, shall give rise to the following presumptions:

(a) If there was at that time 0.05% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of alcohol.

(b) If there was at that time in excess of 0.05% but less than 0.10% by weight of alcohol in the defendant's blood, such ~~that~~ fact shall not give rise to any presumption that the defendant was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(c) If there was at that time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of alcohol.

~~(3)~~(4) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood.

~~(4)~~(5) Each municipality in this state is given authority to enact 61-8-714 and subsections (1) through ~~(3)~~ (4) of this section, with the word "state" in ~~the--first sentence--of~~ subsection (1) of this section changed to read "municipality", as an ordinance and is given jurisdiction of

SB 113

the enforcement of the ordinance and of the imposition of the fines and penalties therein provided."

Section 70. Section 61-8-711, MCA, is amended to read:

"61-8-711. Violation of chapter -- penalty. (1) It is a misdemeanor for any person to violate any of the provisions of this ~~[act]~~ chapter unless ~~such~~ the violation is declared to be a felony by this chapter or other law of this state ~~declared to be a felony~~.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than $10 or more than $100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter, ~~such~~ the person shall be punished by a fine of not less than $25 or more than $200 or by imprisonment for not more than 20 days or by both such fine and imprisonment. Upon a third or subsequent conviction within 1 year after the first conviction, ~~such~~ the person shall be punished by a fine of not less than $50 or more than $500 or by imprisonment for not more than 6 months or by both such fine and imprisonment.

(3) On failure of payment of ~~fines~~ a fine, the offender in ~~cases~~ case of a misdemeanor shall be imprisoned in the county jail in the county in which the offense ~~has~~

~~been~~ was committed, and ~~said~~ the imprisonment shall be computed upon the basis of one day's incarceration for each $2 of ~~said~~ the fine ~~for each day's incarceration~~.

(4) Upon conviction, the court costs, or any part thereof, may ~~also~~ be assessed against the defendant in the discretion of the court."

Section 71. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined $5, and no jail sentence may be imposed. Bond for this offense shall be $5.

(2) For the purpose of this section only, the fees of the ~~justice~~ justice's court shall be ~~$4 to~~ the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3)."

Section 72. Section 61-9-315, MCA, is amended to read:

"61-9-315. Brakes on motor-driven cycles. (1) The division is authorized to require an inspection of the brake on any motor-driven cycle and to disapprove any ~~such~~ brake which it finds will not comply with the performance ability standard set forth in ~~[32-21-143]~~ this part or which in its opinion is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(2) The division may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when it has been determined that the brakes brake thereon do does not comply with the provisions of this section.

(3) No person ~~shall~~ may operate on any highway any vehicle referred to in this section ~~in--the--event~~ if the division has disapproved the brake equipment upon such vehicle or type of vehicle."

Section 73. Section 61-9-503, MCA, is amended to read:

"61-9-503. Owners and drivers to comply with inspection laws. (1) No person driving a vehicle ~~shall~~ may refuse to submit ~~such~~ the vehicle to an inspection and test when required to do so by the division or an authorized officer or employee of the ~~department~~ division.

(2) Every owner or driver, upon receiving a notice as provided in 61-9-501, shall comply therewith and shall within 5 days have the deficiencies corrected and ~~shall~~ forward notification of ~~such~~ the correction to the division. In lieu of compliance with this subsection, the vehicle ~~shall~~ may not be operated, except as provided in subsection (3).

(3) No person ~~shall~~ may operate any vehicle after receiving a notice with reference thereto as above provided, except as may be necessary to return ~~such~~ the vehicle to the

residence or place of business of the owner or driver, if within a distance of 20 miles, or to a garage until ~~said~~ the vehicle and its equipment ~~has~~ have been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter."

Section 74. Section 61-10-102, MCA, is amended to read:

"61-10-102. Width. (1) ~~A~~ No vehicle, including a bus, ~~unladen~~ unloaded or with load, may not have a total outside width in excess of 102 inches, ~~except buses which may have a total outside width not to exceed 102 inches.~~ This bus width for buses is allowed only on paved highways 20 feet or more in width.

(2) This restriction does not apply to an implement of husbandry or a vehicle used for hauling hay, moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles, if the movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle used for hauling hay. If the implement ~~of--husbandry~~ or the vehicle ~~used--for hauling--hay~~ has a width in excess of 12 feet, it shall be preceded by ~~flagmen~~ flagman escorts for the purpose of warning other highway users. This restriction does not apply to ~~dual--wheel~~ dual-wheel tractors under 15 feet overall width which are used in farming operations. The rear of ~~such~~

SB 113

on the implement of husbandry or vehicle used for hauling hay shall properly display lights which meet the standard requirements ~~in~~ of 61-9-219. However, if the highway passes through a hazardous area, ~~such~~ the implements ~~of husbandry or vehicles used for hauling hay~~ must be preceded and followed by ~~flagmen~~ flagman escorts.

~~(3) The maximum width of any vehicle engaged in transporting logs unladen or with load shall not exceed a width of 96 inches unless permits for excess width have been granted by virtue of [32-1107].~~"

Section 75. Section 61-10-109, MCA, is amended to read:

"61-10-109. Operation without special permits prohibited. The operation of vehicles or combinations of vehicles having ~~dimensions or~~ weights in excess of the maximum limits specified in ~~61-10-101 through 61-10-108~~ 61-10-105 is permitted only if authorized by special permit issued under 61-10-107 by the department of highways or its agents or the highway patrol."

Section 76. Section 61-10-121, MCA, is amended to read:

"61-10-121. Permits for excess size and weight. (1) The department of highways and local authorities in their respective jurisdictions may in their discretion, upon application in writing and with good cause shown, issue a

special permit in writing authorizing the applicant to operate or move a vehicle, combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum specified in 61-10-101 through 61-10-110 upon a highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. However, only the department has the discretion to issue permits for movement of a vehicle or combination of vehicles carrying built-up or reducible loads in excess of 9 feet in width or exceeding the length, height, or weight specified in 61-10-101 through 61-10-110. This permit shall be issued in the public interest. A carrier receiving this permit must have public liability and property damage insurance for the protection of the traveling public as a whole. A permit may not be issued for a period of time greater than the ~~license~~ period for which the GVW license is valid as provided in this title, including grace periods allowed by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit. The department may issue oversize permits to dealers in implements of husbandry and self-propelled machinery, which may be transferred from unit to unit by the dealer, for the fees fee set forth in 61-10-124. These oversize permits expire on December 31 of

each year, with no grace period. For the purposes of this section, a dealer in implements of husbandry or self-propelled machinery must be a resident of the state. A post-office box number is not a permanent address under this section.

(2) The applicant for a special permit shall specifically describe the powered vehicle or towing vehicle and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to be operated or moved and the particular state highways over which the vehicle, combination of vehicles, load, object, or other thing is to be moved and whether the permit is required for a single trip or for continuous operation."

Section 77. Section 61-10-124, MCA, is amended to read:

"61-10-124. Special permits -- fee. (1) In addition to the regular ~~license~~ registration and gross vehicle weight fees, a fee of $6 for each permit issued in excess of the size and weight specified in 61-10-101 through 61-10-110 shall be paid for all movements under special permits on the public highways under the jurisdiction of the department.

(2) Term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet, an overlength vehicle, combination of vehicles, load, objects, or other thing in

excess of 85 feet, and an overheight vehicle, combination of vehicles, load, or other thing in excess of 13 1/2 feet, or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits.

(3) ~~A fee of $6 shall be paid for each overweight permit issued, but a~~ A permit may not be issued for a period of time greater than the ~~license~~ period for which the GVW license is valid as provided in this title, including grace periods allowed by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit."

Section 78. Section 61-10-145, MCA, is amended to read:

"61-10-145. Penalties -- disposition of fines. (1) A person, firm, or corporation convicted of violating 61-10-101 through 61-10-110 ~~[except 61-10-102(3) which is punishable under 61-9-511]~~ shall be punished by a fine of not less than $15 or more than $50 or by imprisonment in the county or municipal jail for not less than 5 days or more than 25 days. ~~In addition,~~ a person, firm, or corporation convicted of operating a motor vehicle upon the public highways of this state with weight upon a wheel, axle, or

SB 113

group of axles ~~or upon more than one of them~~ greater than the maximum permitted by 61-10-101 through 61-10-110, shall be fined, in addition to other penalties provided by law for the offense, the following amounts:

(a) $15 for any excess weight up to and including 2,000 pounds;

(b) $25 for any excess weight more than 2,000 pounds and less than 4,001 pounds;

(c) $35 for any excess weight more than 4,000 pounds and less than 6,001 pounds;

(d) $50 for any excess weight more than 6,000 pounds and less than 8,001 pounds;

(e) $80 for any excess weight more than 8,000 pounds and less than 10,001 pounds;

(f) $110 for any excess weight more than 10,000 pounds and less than 12,001 pounds;

(g) $150 for any excess weight more than 12,000 pounds and less than 14,001 pounds;

(h) $200 for any excess weight more than 14,000 pounds and less than 16,001 pounds;

(i) $250 for any excess weight more than 16,000 pounds and less than 18,001 pounds;

(j) $300 for any excess weight more than 18,000 pounds and less than 20,001 pounds;

(k) $500 for any excess weight more than 20,000 pounds

and less than 25,001 pounds;

(l) $1,000 for any excess weight more than 25,000 pounds.

(2) A complaint filed and a summons or notice to appear issued pertaining to a violation of the gross weight regulations in 61-10-101 through 61-10-110 shall specify the amount of the overweight which the defendant is alleged to have had upon the vehicle or combination of vehicles.

(3) All fines and forfeitures shall be remitted monthly by the county treasurer to the state treasurer for deposit in the state general fund."

Section 79. Section 61-10-146, MCA, is amended to read:

"61-10-146. Special permits -- ~~penalty for~~ misrepresentations and violations as misdemeanor. A person who knowingly and willfully misrepresents the size or weight of a vehicle, combination of vehicles, load, object, or other thing in obtaining a special permit or who does not follow the requirements and conditions of the special permit or who operates a vehicle, combination of vehicles, load, object, or other thing, the ~~gross~~ size or weight of which ~~is in excess of the maximum for which that vehicle, combination of vehicles, load, object, or other thing may be eligible for license,~~ requires a special permit without first obtaining a special permit, is guilty of a misdemeanor."

Section 80. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines. ~~Any and all~~ Except as provided in 61-12-701, fines collected ~~for the violation of any of the provisions of this [act]~~ under 61-10-146 or 61-10-147 ~~shall~~ belong to the general road fund of the county, and shall, immediately after their collection, be paid over by the court or magistrate collecting ~~the same~~ then to the county treasurer for the use and benefit of that fund, except for that portion of the fines ~~as provided for in 20-7-504~~, otherwise allocated by law which the county treasurer shall transmit to the state treasurer ~~and by him credited~~ who shall credit them to the ~~automobile driver education~~ appropriate account in the earmarked revenue fund."

Section 81. Section 61-10-201, MCA, is amended to read:

"61-10-201. Gross weight fees on motortrucks and truck tractors. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each ~~motortruck~~ truck and truck tractor, based upon the maximum gross loaded weight thereof as set by the licensee in his application, the following fees:

Schedule I

Up to 6,000 lbs. ..... $ 7.50

6,001 ~~lbs or more, and less than~~ through 8,000 lbs. 12.50

8,001 ~~lbs or more, and less than~~ through 10,000 lbs. 17.50

10,001 ~~lbs or more, and less than~~ through 12,000 lbs. 20.00

12,001 ~~lbs or more, and less than~~ through 14,000 lbs. 22.50

14,001 ~~lbs or more, and less than~~ through 16,000 lbs. 27.50

16,001 ~~lbs or more, and less than~~ through 18,000 lbs. 37.50

18,001 ~~lbs or more, and less than~~ through 20,000 lbs. 50.00

20,001 ~~lbs or more, and less than~~ through 22,000 lbs. 62.50

22,001 ~~lbs or more, and less than~~ through 24,000 lbs. 93.75

24,001 ~~lbs or more, and less than~~ through 26,000 lbs. 125.00

26,001 ~~lbs or more, and less than~~ through 28,000 lbs. 156.25

28,001 ~~lbs or more, and less than~~ through 30,000 lbs. 206.25

30,001 ~~lbs or more, and less than~~ through 32,000 lbs. 262.50

SB 103

32,001 ~~lbs. or more~~ and ~~less than~~ through 34,000 lbs. 318.75
34,001 ~~lbs. or more~~ and ~~less than~~ through 36,000 lbs. 375.00
36,001 ~~lbs. or more~~ and ~~less than~~ through 38,000 lbs. 431.25
38,001 ~~lbs. or more~~ and ~~less than~~ through 40,000 lbs. 487.50
40,001 ~~lbs. or more~~ and ~~less than~~ through 42,000 lbs. 543.75
Over 42,000 lbs. and within the weight limits
specified in 61-10-101 through 61-10-110 ..... 62.50
per ton or fraction thereof."

Section 82. Section 61-10-202, MCA, is amended to read:

"61-10-202. Gross weight fees on trailers and semitrailers. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each trailer and semitrailer, based upon the maximum gross loaded weight thereof as set by the licensee in his application, except as otherwise provided, the following fees:

Schedule II

Trailers Other Than Housetrailers.

Up to 2,500 lbs. for personal use-- Exempt

Up to 2,500 lbs. for commercial use ..... $ 3.75
2,501 ~~lbs. or more~~ and ~~less than~~ through 6,000 lbs. 5.00
6,001 ~~lbs. or more~~ and ~~less than~~ through 8,000 lbs. 15.00
8,001 ~~lbs. or more~~ and ~~less than~~ through 10,000 lbs. 17.50
10,001 ~~lbs. or more~~ and ~~less than~~ through 12,000 lbs. 20.00
12,001 ~~lbs. or more~~ and ~~less than~~ through 14,000 lbs. 22.50
14,001 ~~lbs. or more~~ and ~~less than~~ through 16,000 lbs. 27.50
16,001 ~~lbs. or more~~ and ~~less than~~ through 18,000 lbs. 37.50
18,001 ~~lbs. or more~~ and ~~less than~~ through 20,000 lbs. 50.00
20,001 ~~lbs. or more~~ and ~~less than~~ through 22,000 lbs. 62.50
22,001 ~~lbs. or more~~ and ~~less than~~ through 24,000 lbs. 93.75
24,001 ~~lbs. or more~~ and ~~less than~~ through 26,000 lbs. 125.00
26,001 ~~lbs. or more~~ and ~~less than~~ through 28,000 lbs. 156.25
28,001 ~~lbs. or more~~ and ~~less than~~ through 30,000 lbs. .....

..... 206.25
30,001 ~~lbs. or more and less than~~ through 32,000 lbs. .....
..... 262.50
32,001 ~~lbs. or more and less than~~ through 34,000 lbs. .....
..... 318.75
34,001 ~~lbs. or more and less than~~ through 36,000 lbs. .....
..... 375.00
36,001 ~~lbs. or more and less than~~ through 38,000 lbs. .....
..... 431.25
38,001 ~~lbs. or more and less than~~ through 40,000 lbs. .....
..... 487.50
40,001 ~~lbs. or more and less than~~ through 42,000 lbs. .....
..... 543.75
Over 42,000 lbs. and within the weight limits
specified in 61-10-101 through 61-10-110 ..... 62.50
per ton or fraction thereof."

Section 83. Section 61-10-209, MCA, is amended to read:

"61-10-209. Quarterly payment -- penalty for failure to pay fee. (1) When the gross weight of a vehicle exceeds 24,000 pounds, the gross weight or special fees for ~~motortrucks~~ trucks, trailers, tractors, pole trailers, or semitrailers may be ~~purchased~~ paid for a 3-month period for one-fourth the regular fee at the beginning of any quarter of the calendar year. For each fee so paid other than at the

time of payment of the ~~basic license~~ annual vehicle registration fee, an additional fee of $1 shall be charged. The department may adopt rules relative to the issuance and display of certificates or insignia, which shall state the quarters for which the vehicle is licensed.

(2) A vehicle licensed under this section may not be operated over the public highways after the expiration of the 3-month period unless the owner or operator of the vehicle, within 10 calendar days or 7 business days as provided by law, whichever is greater, ~~after the expiration of the 3-month period,~~ pays the required fee for a license for an additional 3-month period, or for the remainder of the year. A person who operates a vehicle upon the public highways after the expiration of the 10 calendar days or 7 business days as provided by law, whichever is greater, is guilty of a misdemeanor. In addition he shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation of the vehicle less the fees for e the period of the year already paid.

(3) If, within 5 days thereafter, no license for a full year has been purchased as required, the Montana highway patrol, county sheriff, or city police may impound the vehicle in the manner which is directed for these cases by the division of motor vehicles until the requirement is

SB 443

met."

Section 84. Section 61-10-214, MCA, is amended to read:

"61-10-214. Exemptions. (1) Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or towns and within 15 miles from such limits are exempt from this part.

(2) Motor vehicles brought or driven into Montana by a nonresident, migratory, bona fide agricultural worker temporarily employed in agricultural work in this state where those motor vehicles are used exclusively for transportation of agricultural workers are ~~also~~ exempt from this part.

(3) Vehicles lawfully displaying a licensed dealer's plate as provided in ~~[61-4-102]~~ 61-4-103 are exempt from this part when moving to or from a dealer's place of business when ~~unladen~~ unloaded or ~~laden~~ loaded with dealer's property only, and in the case of vehicles having a gross ~~laden~~ loaded weight of less than 24,000 pounds, while ~~in the process of demonstration~~ being demonstrated in the course of the dealer's business."

Section 85. Section 61-10-222, MCA, is amended to read:

"61-10-222. Time for payment of fees. ~~[1] A person who owns or operates a vehicle subject to the fees provided in~~

~~61-10-201 through 61-10-210 shall pay the fees provided in this part.~~

~~[2]~~(1) Prior to or at the time of registration of the vehicle as required under chapter 3 or chapter 4 or prior to the operation of the vehicle on the public highways, fees ~~paid~~ provided in this part shall be paid in the full amount ~~provided in this part~~ unless otherwise provided by law. With respect to vehicles operating on the highways with a current rear windshield sticker issued under the provisions of 61-4-111 or 61-4-112, the fees provided in this part shall be due and payable at the time of registration.

~~[3]~~(2) A person who makes application for a GVW license after July 1 of any year shall pay one-half of ~~those~~ the fees provided in this part.

~~[4]~~(3) When a person makes application for registration required under chapter 3 for a period of time other than the calendar year, the fees provided in this part shall be computed for the registration period at one-twelfth of the applicable fee for each month or part of month in the registration period."

Section 86. Section 61-10-223, MCA, is amended to read:

"61-10-223. Expiration date. ~~The fees paid hereunder for every motortruck, truck tractor, trailer, semitrailer, bus, or automobile shall expire on December 31 of each year.~~

Any ~~certificate, registration, or~~ GVW license issued shall be valid only for the period for which issued."

Section 87. Section 61-10-224, MCA, is amended to read:

"61-10-224. ~~License~~ GVW license transferable. The ~~certificate, registration, or~~ GVW license issued hereunder is transferable by the licensee to another truck, truck tractor, trailer, semitrailer, lowboy trailer, pole trailer, housetrailer, or passenger car upon transfer of ownership of such truck, truck tractor, trailer, semitrailer, lowboy trailer, pole trailer, housetrailer, or passenger car to a replacement vehicle of the same type. If a smaller vehicle is purchased, there shall be no refund."

Section 88. Section 61-10-226, MCA, is amended to read:

"61-10-226. Deposit of state highway ~~moneys~~ money. (1) Any reference to the state highway fund ~~shall be taken to~~ mean means the state highway account in the earmarked revenue fund.

(2) ~~Moneys~~ Money received for the use of the department from the receipt or transfer of ~~motor vehicle~~ GVW license fees, as provided by law, or from other state sources shall be deposited in the earmarked revenue fund to the credit of the department.

(3) ~~Moneys~~ Money received from the counties and from

the federal government or other agencies shall be deposited in the federal and private revenue fund to the credit of the department.

(4) ~~Hereafter, moneys~~ Money collected for the department as authorized by law shall be credited to such fund or funds by the state treasurer."

Section 89. Section 61-10-227, MCA, is amended to read:

"61-10-227. Blank forms furnished county treasurers. The department shall furnish all county treasurers with the following:

(1) blank application forms and affidavit forms outlining and providing for the information needed in each classification of ~~registration~~ license required;

(2) ~~registration, license, or certificates~~ GVW licenses in a form determined most suitable by the department;

(3) the other forms, stickers, certificates, or blanks the department considers necessary to carry out this part."

Section 90. Section 61-10-233, MCA, is amended to read:

"61-10-233. Excess weight -- penalties. (1) The operator is subject to the penalties stated in ~~[this section]~~ 61-10-232 whenever the gross ~~laden~~ loaded weight of any ~~motortruck~~ trucks, truck tractor, trailer, or

SB 123

semitrailer operated upon any highway in this state exceeds the gross vehicle weight shown on:

(a) the owner's certificate of registration and tax receipt issued under 61-3-322; or

(b) the gross vehicle weight receipt issued under 61-10-227.

(2) ~~The~~ In addition, the operator shall immediately ~~thereafter~~ pay to the nearest county treasurer or to the department the difference between the fee already paid and that applicable to the gross weight of his vehicle before unloading the excess, provided that it does not exceed the legal axle weight."

Section 91. Section 61-11-211, MCA, is amended to read:

"61-11-211. ~~Department~~ Division to revoke license of habitual offender -- method of removal of points upon revocation. Upon receipt of a court order declaring an habitual offender, the ~~department~~ division shall revoke the driver's license or driving privilege of the individual named in the order for a period of 3 years from the date of the order. Additionally, the department shall remove from that individual's record those habitual offender points which were certified to the county attorney in the certification required by 61-11-204."

Section 92. Section 61-12-208, MCA, is amended to

read:

"61-12-208. Duty upon making an arrest -- power to fix and accept bail ~~--fees of justices of the peace.~~ ~~(1)~~ Such employees, upon making an arrest, shall deliver to the offender a form of notice to appear, describing the nature of the offense, with instructions on the notice to appear for the offender to report to the nearest justice of the peace. The employee may accept a deposit for appearance justifiable for the offense charged. The person arrested may be detained for a reasonable time for the purpose of issuing the notice. If the employee accepts bail, he shall give a signed receipt to the offender, setting forth the amount received. The employee shall then deliver the bail money to the justice of the peace before whom the offender is to appear, and the justice of the peace shall give a receipt to the employee for the amount of bail money delivered. After the filing of the complaint and appearance of the defendant, the justice of the peace shall assume jurisdiction and may set and accept further appearance bail bond.

~~(2) For the purpose of this part only, the fees of justices of the peace in all offenses in which the statutory fine is $5 or less shall be $1, but if the statutory fine is in excess of $5, the justices of the peace are permitted the fee prescribed by law. No additional fees shall be paid justices of the peace where salaries are fixed by law.~~"

Section 93. Section 61-12-401, MCA, is amended to read:

"61-12-401. Taking vehicle into custody. (1) The following law enforcement agencies may take into custody any motor vehicle found abandoned for a period of 48 hours or more on any public highway, or for a period of 5 days or more on any city street or public property:

(a) the Montana highway patrol if the vehicle is upon the right-of-way of any public highway other than a county road;

(b) the sheriff of the county if the vehicle is upon the right-of-way of any county road ~~or private property~~ within the county;

(c) the city police if the vehicle is upon a city street within the city.

(2) The Montana highway patrol, the sheriff of the county, or the city police may use ~~its or his~~ their personnel, equipment, and facilities for the removal and preservation of the vehicle, or may hire other personnel, equipment, and or facilities for those purposes."

Section 94. Section 61-12-502, MCA, is amended to read:

"61-12-502. Rules for identification cards. The division shall formulate and adopt reasonable rules for the application, for and issuing of identification cards, and

cancellation thereof, and shall require the furnishing of such information necessary for the purpose of this part."

Section 95. Section 61-12-701, MCA, is amended to read:

"61-12-701. Highway patrol -- ~~fees~~ -- disposition of fines and forfeitures. (1) All ~~fees~~, fines, and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violation of the laws and regulations relating to the use of state highways and the operation of vehicles thereon must be paid to the state treasurer and by him credited to the general fund of the state, except for that portion of the fines ~~as provided in 20-7-504~~ otherwise allocated by law which shall be paid into the ~~automobile driver education account~~ appropriate accounts in the earmarked revenue fund.

(2) At the time of payment of any such ~~fee~~, fine, or forfeiture, there shall be filed with the state treasurer a complete statement showing the total of the ~~fees~~, fines, or forfeitures received or incurred, which statement shall give the title of the court and cause and be subscribed to by the person or officer making ~~such~~ the payments."

Section 96. Section 61-12-703, MCA, is amended to read:

"61-12-703. Disposition of traffic fines collected from juveniles. All fines collected by the district courts

SB 112

from ~~children~~ persons under 18 years of age ~~for unlawful operation of motor vehicles~~ as the result of traffic summonses for unlawful operation of motor vehicles issued by peace officers of cities or counties or by highway patrolmen, together with ~~that portion~~ the percentage of the fines ~~which is specified in 20-7-505~~ otherwise deductible by law, shall be retained by the county treasurer of the county in which the offense occurred and at the end of each month distributed as follows:

(1) Fines collected as the result of summonses issued by city peace officers shall be distributed to the city in which the peace officer is employed and credited to the city general fund.

(2) Fines collected as the result of summonses issued by county peace officers shall be retained by the county treasurer and credited to the county road fund.

(3) Fines collected as the result of summonses issued by state highway patrolmen shall be paid to the state treasurer, who shall credit them to the general fund of the state.

(4) That portion of the fines ~~which is specified in 20-7-505~~ deductible by law shall be paid to the state treasurer, who shall credit it the money to the ~~automobile driver education account~~ appropriate accounts in the earmarked revenue fund."

Section 97. Section 20-7-504, MCA, is amended to read:

"20-7-504. State traffic education account ~~and~~ -- proceeds earmarked for the account. (1) There is ~~hereby established~~ a traffic education account in the treasury of the state of Montana. There shall be paid into this account a portion of the fines assessed and bails forfeited on all offenses involving a violation of ~~a state statute~~ chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61, or a city ordinance and relating to the operation or use of motor vehicles, except offenses relating to parking of vehicles, in the following amounts:

(a) ~~where~~ if a fine is imposed, 20% of the fine imposed;

(b) ~~where~~ if multiple offenses are involved, 20% of the total sum of all fines imposed;

(c) ~~where~~ if a fine is suspended, in whole or in part, ~~the portion paid to the traffic education account shall be~~ 20% of the fine actually paid; and

(d) ~~when~~ if any deposit of bail is made for an offense to which this section applies and the bail is forfeited, 20% of the forfeited bail.

(2) Five percent of all ~~moneys~~ money received by the state ~~of Montana~~ from the collection of the motor vehicle driver's license fee provided for under the laws of Montana shall be contributed to the traffic education account."

Section 98. Section 53-9-109, MCA, is amended to read:

"53-9-109. Crime victims compensation account. There is ~~created~~ a crime victims compensation account in the earmarked revenue fund. There shall be paid into this account 6% of the fines assessed and bails forfeited on all offenses involving a violation of ~~a state statute~~ chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61, or a city ordinance and relating to the operation or use of motor vehicles, except offenses relating to parking of vehicles."

Section 99. Repealer. Section 61-8-721, MCA, is repealed.

Section 100. Repealer. Sections 31-167, 31-186, 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134, 53-135, and 53-140 through 53-144, R.C.M. 1947, are repealed.

-End-

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 871	Act defining nonhighway vehicles; providing exceptions; imposing a nonhighway vehicle use fee; etc.	Feb.17	Waldron		Referred to Taxation	Feb.20
SB113	Act to generally revise and clarify the law relating to motor vehicles, etc.	Feb. 17	Graham	March 6	Be Concurred In As Amended	Mar. 8
SB 406	Act to permit a dealer in implements of husbandry to transport such implements on Sat and Sun.; to provide for the purchase of an oversize permit; etc.	Feb. 20	Conover	March 6	Be Concurred In As Amended	Mar.8
SB 435	Act to include an auxiliary member on the Board of Pardons; etc.	Feb. 21	Mehrena	March 8	Be Concurred In	Mar. 8
SB 450	Act to provide for the removal and disposal of abandoned motor vehicles on private property, etc.	Feb. 21	Committee on Highways & Transportation	March 6	Be Concurred In As Amended	Mar. 8
SB 473	Act to revise the laws relating to Class D motor carriers; etc.	Feb. 23	B. Brown	March 6	Be Concurred in Held for intent	Mar. 8

March 6, 1979

The House Highways and Transportation Committee convened on March 6, 1979, at 1:30 p.m., in room 20 of the Capital Annex, with Chairman Baeth presiding and fourteen members present (excused were Reps. Fabrega and Rosenthal), to hear testimony on the following bills.

SENATE BILL 113 SENATOR CARROLL A. GRAHAM, District 29, the chief sponsor, said this bill was at the request of the Code Commissioner and revises and clarifies the law relating to motor vehicles. He introduced the following proponent who, he said, would explain the bill.

DAVID COGLEY, Code Commissioner Staff, referred the committee members to the green summary sheets (exhibit 1) and briefly discussed the highlights. One point discussed at length was that arrests of DWI-Alcohol could now only be made on public highways and not on private property. A further summary of SB 113 is exhibit 2 of the minutes.

BILL ROMINE, speaking for self, said he favored the change mentioned above.

Mr. Cogley suggested an amendment on page 18, line 2, to strike "LICENSE" and insert "the manufacturer's identification."

SENATE BILL 304 SENATOR JEAN A TURNAGE, District 13, the chief sponsor, said this bill was at the request of the Motor Fuels Division to enlarge the definition of "special fuel dealer" to include any person providing a facility from which more than one special fuel user obtains special fuel.

NORRIS NICHOLS, Administrator, Motor Fuel Tax Division, said they have a problem which could become bigger as key locks and the like become more used. The problem, since these pumps are unattended, is to determine the tax due the state. The bill asks for a little more clarification.

Senator Turnage said this bill will give the department a chance to administer the act.

HOUSE BILL 406 SENATOR MAX CONOVER, District 36, left a copy of several amendments (exhibit 3). He said this bill will permit implement dealers within the state to transport machinery out to farms on Saturdays and Sundays. This bill would also provide for a $75 oversize permit. He said the fiscal note attached is not correct.

AVIS ANN TOBIN, Montana Hardware and Implement Association, said this bill would allow them to move their implements over the week end. She said they also favor the reduced permit rate.

BILL ROMINE, Montana Automotive Dismantlers and Recyclers Assoc., said at the present time the farmer can't move his machinery on Saturdays and Sundays. He felt this bill shouldn't just apply to the dealer.

HENRY E. LOHR, Townsend, Hank's Salvage and Recycling, spoke in support of the bill.

EXECUTIVE SESSION

SENATE BILL 435 Rep. Cooney moved be concurred in. Rep. Lien said he felt this was a good bill. Rep. Wood questioned if there would be a lack of continuity--would a five man board be better? A voice vote was taken and the motion carried unanimously with those present (Reps. Fabrega, Kropp and Magone absent).

HOUSE JOINT RESOLUTION 50 Rep. Lien moved do pass. Rep. Rosenthal moved a substitute motion of do not pass. He said the fuel savings even if not great is worthwhile. Rep. Lien spoke against the substitute motion. He said in their wide open area this speed limit is not needed, and that it forces trucks to gear down and have problems with the hills. Rep. Keyser said he had 22 years of experience enforcing speed limits. He said the 55 miles an hour is probably a good speed limit for the eastern states with their more dense population, but he didn't feel it was a good limit for the state of Montana. He said we save some energy on cars and then lose it in the trucks--and he said even some automobiles function better at 60 than 55. Rep. Cooney spoke for the substitute motion. He felt this was the wrong time to introduce this type of legislation. Rep. Feda mentioned the transportation difficulties on the highline and that they depend a good deal on cars and trucks for their transportation and could use a little faster speed. Question was called and a voice vote taken. The motion of do not pass failed with 5 yes (Frates, Uhde, Cooney, Rosenthal and Baeth), 7 no and 4 absent (Fabrega, Magone, Kropp and Kanduch). A vote was then taken on the motion of do pass and the vote was reversed, so this motion carried.

SENATE BILL 113 Rep. Meyer moved the amendment on page 18, line 2, to strike "LICENSE" and insert "manufacturer's identification." This motion carried unanimously with those present. Rep. Feda moved the bill as amended be concurred in. This motion carried with Rep. Keyser voting no and the same absent. Chairman Baeth will carry this bill on the floor.

SENATE BILL 304 Rep. Lien moved be concurred in. This motion carried unanimously with those present (absent were Fabrega, Magone, Kropp and Kanduch). Rep. Kropp will carry this bill on the floor.

SENATE BILL 406 Rep. Keyser moved be not concurred in. Rep. Lien moved a substitute motion of be concurred in. Rep. Feda moved a motion for all motions pending of adopting the amendments presented by Senator Conover (exhibit 2) except the second and the last ones. This motion carried unanimously with those present. Rep. Kropp had come in so absent were Reps. Fabrega, Magone and Kanduch. Rep. Keyser spoke on his motion of do not pass. He said this could kill the motoring public. He said the Highway Department is proposing an amendment to their rules which will grant some over width and oversized vehicles which will be effective April 2, 1979. He said the gentleman pushing the bill was from Great Falls. He said he had checked with

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

BILL NUMBER	DATE REC.	TITLE	SPONSOR	HEARING	ACTION
SB52	1-8-79	An Act to amend the law relating to screening of junkyards;	Graham	1-13-79	DO PASS AS AMENDED 1-18-79
SB53	1-8-79	An act to permit increased expenditures of off-system road funds	Healy	1-13-79	DO PASS 1-13-79
SB77	1-8-79	To allow a left turn on a red signal from a one-way street to another one-way street going left.	Goodover	1-16-79	DO PASS AS AMENDED 1-18-79
SB72	1-5-79	An act to require all contracts on State and Federal-aid Highways be let by competitive bidding if the cost of the work exceeds $1,000.	Lockrem	1-16-79	DO NOT PASS 1-18-79
SB98	1-15-79	An Act to amend section 61-5-106 to allow students who have completed driver education to obtain an instruction permit.	Hazelbaker	1-23-79 Tuesday	DO PASS 1-23-79
SB113	1-17-79	An act to generally revise and clarify the law relating to motor vehicles; repealing section 61-8-721, MCA; and repealing sections 31-167, 31-186, 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134, 53-135, and 53-140 through 53-144, R.C.M. 1947.	Graham	1-23-79 Tuesday	DO PASS AS AMENDED 1-27-79

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OF MONTANA

Senator Healy said he agrees with that motion.

The motion carried unanimously to DO PASS Senate Bill 98 and place Senate Bill 98 on the Consent Calendar.

CONSIDERATION OF SENATE BILL 113: Chairman Etchart asked if there were any proponents of Senate Bill 113.

Dave Cogley, Legislative Council reported it was his responsibility to recodify laws concerning motor vehicles. Part of his business is to search throughout the Code all references to the bills we are amending. Also, to clean up conflicts where a bill was drafted in a past session and the person doing the drafting was not aware of a previous law. This pertains to this bill. I have prepared a Summary Explanation (Exhibit A) to explain each change, section by section. This is quite long, however, I will go through it section by section. There are four (4) amendments to this bill. Mr. Cogley went through Exhibit A.

After Dave Cogley finished going over the Summary Explanation of the changes on Senate Bill 113, Chairman Etchart carried over other testimony until the next meeting, Thursday, Jan. 25, 1979 at 1:30. The meeting adjourned at 2:54 so Committee Members could be present for the 3:00 Senate Session.

Mark Etchart

SENATOR MARK ETCHART, CHAIRMAN

cdf

ROLL CALL

1-23-79

Highways & Transp. COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad		✓	
Carroll A. Graham		✓	
Dave Manning	✓		
John E. Healy (Jack)	✓late	*	

Each Day Attach to Minutes.

SENATE

DATE Jan 23, 1979

COMMITTEE ON Highways & Transportation BILL NO. S.B. 113

SB 98

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppo
William L. Romine	SB 113 Mont. Automotive Dismantlers & Recyclers Assoc.		Amd
[redacted]	[redacted]		
Bob Kelly	Mont. Public Employees	X	
Jerry Whitaker	Mont. Dept. of Agriculture - trans.		
Gordon McCall	Mont. Dept. of Ag.		
Larry Majerus	Dept. of Justice - Motor Veh.	X - 113	
Buck Lucas	M.H.P.	X - 113	

(Please leave prepared statement with Secretary)

NAME: William L. Romine DATE: 1-23-79

ADDRESS: P.O. Box 1691 Helena, Mont.

PHONE: 442-2220

REPRESENTING WHOM? Montana Automotive Dismantlers & Recyclers Assoc.

APPEARING ON WHICH PROPOSAL: S.B. 113

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? _____

COMMENTS: The Association submits that the stricken language on line 12, page 93 results in a substantive change of law. The stricken language should be re-inserted. The sheriff should have the power to remove abandoned vehicles from private property. Many cars are abandoned along side county roads, but on private property, such as farm or ranch land. The rancher, farmer or other landowner should be able to call the sheriff and have the car removed

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(Please leave prepared statement with ...

SENATE MEMBERS
CARROLL GRAHAM
CHAIRMAN
FRANK HAZELBAKER
VICE CHAIRMAN
CHET BLAYLOCK
PAT M. GOODOVER
J. DOWLING
UTIVE DIRECTOR
COMMISSIONER
OR ECK
NISTRATIVE ASSISTANT
A MOODY
TOR, LEGISLATIVE SERVICES

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DIRECTOR, RESEARCH
SHAROLE CONNELLY
DIRECTOR, ACCOUNTING DIVISION

Montana Legislative Council
State Capital
Helena, 59601
(406) 449-3064

LC 0045

1979 Legislature
Code Commissioner Bill - Summary

~~Leg.~~ Bill No. 113

AN ACT TO GENERALLY REVISE AND CLARIFY THE LAW RELATING TO MOTOR VEHICLES; REPEALING SECTION 61-8-721, MCA; AND REPEALING SECTIONS 31-167, 31-186, 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134, 53-135, AND 53-140 THROUGH 53-144, R.C.M. 1947.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 61-1-101. "Act" is changed to "title" to make definitions applicable to the entire title, rather than having various definitions of the same term applying to specific parts and sections within the title as in the R.C.M. 1947. The MCA title follows the format of the Uniform Motor Vehicle code, in collecting all the definitions for the entire title in the first chapter.

Section 2. 61-1-102. The various definitions of "motor vehicle" found in the motor vehicle law were collected in this section in recodification. This amendment strikes those definitions and provides one definition applicable throughout the new title.

Section 3. 61-1-103. Consolidates the definitions of "vehicle".

Section 4. 61-1-104. Consolidates the definitions of "special mobile equipment".

Section 5. 61-1-105. Consolidates the definitions of "motorcycle".

Section 6. 61-1-107. Consolidates the definitions of "truck" and "motortruck".

Section 7. 61-1-108. Consolidates the definitions of "truck tractor".

Section 8. 61-1-109. Consolidates the definitions of "farm tractor".

Section 9. 61-1-111. Consolidates the definitions of "trailer".

Section 10. 61-1-112. Consolidates the definitions of "semitrailer".

Section 11. 61-1-201. Consolidates and clarifies the definitions of "highway".

Section 12. 61-1-202. Makes definition of "public highway" applicable throughout the title.

Section 13. 61-1-203. Consolidates and clarifies the definitions of "street".

Section 14. 61-1-305. Clarifies definition of "highway patrolman".

Section 15. 61-1-307. Consolidates the definitions of "person".

Section 16. 61-1-310. Consolidates the definitions of "owner".

Section 17. 61-1-311. Consolidates the definitions of "operator".

Section 18. 61-1-314. Consolidates the definitions of "dealer".

Section 19. 61-1-315. Makes the definition of "trailer dealer" applicable throughout the Title.

Section 20. 61-1-316. Makes the definition of "manufacturer" applicable throughout the Title.

Section 21. 61-1-403. Makes definition of "traffic-control signal" applicable throughout the Title.

Section 22. 61-1-504. Deleted "or suspension" because the term is not properly used in this definition of revocation, and causes confusion between "suspension" and "revocation".

Section 23. New section. Enacts a definition of "certificate of ownership".

Section 24. 61-2-203. The old R.C.M. reference here was intended to cover all equipment requirements, but does not include several enacted after the reference was made. A reference to chapter 9 of the new title covers all equipment requirements.

Section 25. 61-2-204. The session laws referred to in the amendment transferred all functions of the position of highway patrol chief to the division of motor vehicles. The function in this section is a personal one, and one which the division felt should remain with the highway patrol chief.

Section 26. 61-3-101. Deletes subsection (9, for the following reasons. Section 1, Chapter 272, Laws of 1971, abolished the position of Registrar of Motor Vehicles and transferred the functions of that office, with one exception, to the division of motor vehicles. Accordingly, in recodification all references to "registrar" were changed to "division". In subsection (9) such substitution is not appropriate. The director of the division has also determined that using prison inmates in any clerical capacity is not possible, and has not been done for some time. And the reference to "motor department" is to an agency which existed prior to 1925 in the office of the secretary of state who was the original registrar of motor vehicles. (See Chapter 75, Laws of 1917) It should be safe to assume that the prescribed transfer of records has taken place.

Section 27. 61-3-105. Changes "licensee" to "registrant" for clarification. Changed "act" to "title" to make the section apply generally. Added the exception language to alert the user to the provisions of 61-3-701(3).

Section 28. 61-3-106. Again the reference to the secretary of state as registrar is obsolete and is changed to division as explained in 26 above. "Certificate of title" is changed to "certificate of ownership", the more commonly used term, in an effort to achieve uniform terminology.

Section 29. 61-3-201. Deletes redundant language. In (3) replaces "registration" with "certificate of ownership". Registration is normally considered the process of annually registering the vehicle with the county treasurer and paying ad valorem taxes on it. The term is used on occasion to refer to other processes as well, i.e., obtaining a G.V.W. license, obtaining an original certificate of ownership, or obtaining a dealer's license, and thus the term has to be read in context. The change is made here to clearly indicate the intended meaning. In (4) "title" is replaced with "certificate of ownership", the more commonly used term, in an effort to achieve uniform terminology.

Section 30. 61-3-202. Deletes the requirement that the registration number assigned to a vehicle be shown on the certificate of ownership, since the number may change many times during the time the certificate of ownership is valid.

Section 31. 61-3-301. The language "without a license", which is stricken, is redundant and unclear. If "license" refers to driver's license, then it repeats 61-5-102. If it means vehicle license, then it is synonomous with vehicle registration and is redundant with the language following it in the section.

Subsection (4) refers to 61-3-704 as the applicable penalty. But 61-3-601 also provides a penalty for this section, which is different. 61-3-601 is the more recent statute, and this reference is changed accordingly.

Section 32. 61-3-317. Deletes subsection (2). This subsection is in conflict with 61-4-111, both as to who (dealer or purchaser) is to obtain new registration and the period in which it is to be done. This subsection allows a 20-day grace period, while 61-4-111 allows 4 working days. This subsection is also repetitive of the first subsection.

Section 33. 61-3-321. Strikes disbursement instruction in subsection (5), which is obsolete because of reorganization of state accounting procedures. Strikes last clause of subsection (6) because it is redundant with the rest of the section. Strikes subsection (8), which does not fit with the subject matter of the rest of the section. The subsection is essentially reenacted in section 34.

Section 34. New section. There is some confusion as to which fees under 61-3-321(8) are deposited in the earmarked fund. All fees presently being deposited in the fund are deposited pursuant to some other statute. Also, Section 29, Chapter 121, Laws of 1965 deleted the language in former 53-117, R.C.M. 1947, establishing this fund. However, a number of other sections referring to the fund were not changed and the money they direct to be deposited in the fund has continued to be so deposited. This section therefore clarifies that there is a fund and which fees are to be deposited in it.

Section 35. 61-3-322. Deletes subsection (4) (which is redundant with the rest of the section) except the requirement that the treasurer keep in his office a copy of the registration form, which is placed in subsection (1).

Section 36. 61-3-405. Changes "department" to "division". Department is undefined, and it is not clear from the context what department was originally intended. The function is now one which by statute belongs to the division of motor vehicles.

Section 37. 61-3-411. Deleted redundant language.

Section 38. 61-3-502. Changes "department" (department of highways) to "division" (division of motor vehicles) since the division is the usual agency designated by statute to handle registration matters. Changes an erroneous reference to 61-4-102 to 61-4-103.

Section 39. 61-3-503. Clarifies that the assessment date for vehicles subject to staggered registration is the first day of the registration period.

Section 40. 61-3-505. Deletes subsection (2) as obsolete. No notation of payment of tax is currently made or provided for on certificates of title (ownership).

Section 41. 61-3-508. Changes an erroneous reference to 53-122, R.C.M. 1947, to the correct reference.

Section 42. 61-3-601. Changes the application of the penalty section to include later enacted provisions by referring to the chapter generally. Excepts specific penalty provisions.

Section 43. 61-3-602. Make enforcement responsibilities applicable to the chapter generally, same as above.

Section 44. 61-3-603. The statutes are fairly consistent in using the term "certificate of ownership" rather than "certificate of title". This amendment is made for uniform terminology.

Section 45. 61-3-604. Changes "engine number" to "vehicle identification number" in subsection (2), so that the language is consistent with subsection (1).

Section 46. 61-3-701. Changes "Owner's Certificate of Registration Receipt" to "Owner's Certificate of Registration and Tax Receipt" and "certificate of title" to "certificate of ownership" for uniformity in terminology.

Section 47. 61-4-101. Deletes a reference to a sub-paragraph of law which no longer exists.

Section 48. 61-4-104. Deletes a reference to "another section of this act". "This act" is Chapter 256, Laws of 1965, and that act contains no section which is relevant to this reference.

Section 49. 61-4-113. Corrects an inaccurate reference to the division.

Section 50. 61-4-114. Changes an inaccurate reference to 61-4-102 to 61-4-103.

Section 51. 61-4-305. Adds a reference to alert reader that motor carrier fees are still required, as provided by 61-4-304.

Section 52. 61-4-403. Makes grammatical change.

Section 53. 61-5-101. In recodification the word "division" (division of motor vehicles) was substituted for "highway patrol board" and "highway patrol" in accordance with the directive of Section 1, Chapter 272, Laws of 1971. Such substitution was not entirely appropriate in this section, and this amendment cleans up the awkward language that resulted.

Section 54. 61-5-103. The technical wording of this section required all new residents to be licensed to operate a motor vehicle whether they wished to drive or not. This amendment clarifies that they must be licensed before operating a vehicle.

Section 55. 61-5-111. This section presently does not indicate what the collecting agent is to do with the driver's license fees, except to retain 5% for the county general fund. Subsection (7) implies the money goes to the state treasurer, and this amendment clarifies that.

Section 56. 61-5-112. Subsection (2) conflicts with 61-5-105(2) which prohibits a minor from being licensed as a chauffeur. The division of motor vehicles indicates that it does not issue such licenses to minors, and that this subsection is read as a requirement for all passenger bus drivers, and is not restricted to minors. The amendment reflects this current practice.

Section 57. 61-5-208. Corrects an erroneous reference. 61-6-123 is the statute dealing with the period of the suspension resulting from 61-6-122.

Section 58. 61-5-302. Subsection (7) repeats 61-5-307(1) and is deleted as redundant.

Section 59. 61-5-303. The offense defined constitutes false swearing under the 1973 Criminal Code, rather than perjury. The section is amended accordingly.

Section 60. 61-6-102. Deletes the dollar limits of financial responsibility from the definition section. These dollar limits are specified in 61-6-103. The result of having the limits specified in two places in the statutes is that 61-6-103 was amended in 1975 with regard to dollar amounts, but this section was overlooked, and the two sections presently conflict.

Section 61. 61-6-105. Subsection (2) is deleted in accordance with Section 1, Chapter 272, Laws of 1971, which transfers all these functions to the division.

Section 62. 61-6-124. The dollar amounts in this section originally corresponded with 61-6-103, but were overlooked when that section was changed. This amendment brings the requirements of the two sections back into conformance.

Section 63. 61-6-137. Changes "code of civil procedure" to "Montana Rules of Civil Procedure" for clarification. "Code of civil procedure" is ambiguous, formerly referring both to Title 93, R.C.M. 1947, generally and more specifically to the Montana Rules of Civil Procedure, which was only a part of Title 93. The reference here apparently is to the rules of civil procedure.

Section 64. 61-7-109. Corrects inaccurate reference to the division.

Section 65. 61-8-101. 61-8-401 was amended by Section 1, Chapter 194, Laws of 1957 to limit the offense of operating a vehicle while under the influence of alcohol to operation on a highway only. Operating under the influence of a drug was not so limited. The amendment in subsection (1)(b) reflects that 1957 statute. The amendment in subsection (2) is for grammatical clarification.

Section 66. 61-8-304. The conservation speed limit of 55 miles per hour is an exception to the basic rule speed limit of 61-8-303 and also is an exception to the truck speed limit of 61-8-312. This amendment clarifies that.

Section 67. 61-8-322. Makes grammatical change.

Section 68. 61-8-339. It is unclear what "article" refers to, as there were no "articles" in the R.C.M. 1947, or in the session laws which enacted this section. "Chapter" is now the appropriate term, denoting chapter 8 - Traffic Regulation.

Section 69. 61-8-401. Chapter 430, Laws of 1977, combined former subsections (a) (alcohol intoxication) and (c) (drug influence) into a single subsection (1). Formerly the offense of driving under the influence of alcohol was limited to driving on a highway. Commission of the offense was not possible on a private driveway or place other than a highway. The offense of driving under the influence of drugs, on the other hand, was committable anywhere. Also, being under the influence "to a degree which renders him incapable of safely driving a motor vehicle" was not applicable to alcohol intoxication, only drugs, and presumably

only non-narcotic drugs. The different requirements were inadvertently combined in Chapter 430, Laws of 1977, giving rise subsequently to a certain amount of confusion. The Attorney General in 37 A.G. Opinions 120 has declared that because the title of the bill did not so reflect, Chapter 430 did not change the proof required to convict of alcohol intoxication, i.e., did not add "to a degree which renders him incapable of safely driving a motor vehicle" to the alcohol provision. The opinion does not discuss the change from "on a highway" to "within the state" but the same reasoning would apply. This amendment is designed to clear the confusion arising from Chapter 430, and return the statute to its pre-1977 status in this regard.

It was unclear before 1977 whether the language "to a degree which renders him incapable of safely driving a motor vehicle" applied to all drugs, or "all other drugs" (other than narcotic). This amendment adopts the latter interpretation. If it is desired to make that language applicable to narcotic drugs as well, thus increasing the burden of proof required of a prosecutor, then the language should be added to subsection (1)(b) as well.

Section 70. 61-8-711. "This act" was the original traffic regulation act, enacted in 1955. The words could have been changed to "this chapter" in recodification, except that a provision from another title was brought into this chapter, i.e., that in certain cases a driver must stop at a railroad crossing, which was formerly part of 72-164, R.C.M. 1947. This is a regulation clearly related to this chapter, and it is appropriate that 61-8-711 be amended accordingly to apply uniformly throughout the chapter.

Section 71. 61-8-718. Subsection (2) raises a problem as to disposition of the $5 conservation speed limit fine, in that $4 (or 80%) is allocated to the court, 20% is allocated by 20-7-504 to traffic education, and 6% by 53-9-109 to crime victims, for a total of 106%. Impossible? See 37 A.G. Opinions #64. This amendment is intended to alleviate the difficulty without the need for strained statutory construction.

Section 72. 61-9-315. Section 32-21-143, R.C.M. 1947, was repealed by Chapter 263, Laws of 1955, and replaced by 32-21-143.1, 32-21-143.2, 32-21-143.3, and 32-21-143.4, which have been recodified in "this part" of the MCA. This amendment changes the reference accordingly.

Section 73. 61-9-503. See 36 above.

Section 74. 61-10-102. Grammatical change in subsection (1). Subsection (3) is derived from 32-21-122(g)(5), R.C.M. 1947, and it was overlooked when the width provision of 102 inches was enacted by Chapter 316, Laws of 1974, and when 32-1127 was repealed by that act. The provision is completely superseded by subsection (1) and 61-10-121 and is therefore deleted.

Section 75. 61-10-109. This section, which indicates only the department of highways can issue special overweight or over-width permits, seems to duplicate and conflict with 61-10-121, which says local authorities can also issue such permits. The department of highways, gross vehicle weight division, indicated that this section is addressing only permits issued under 61-10-107 and suggested the proposed amendment to clarify this.

Section 76. 61-10-121. Many licenses are provided for in this title, and it is unclear which "license period" is referred to here. The context indicates "vehicle registration period" is what was intended.

Section 77. 61-10-124. Same change as 76. Also the first clause of subsection (3) is stricken because it repeats subsection (1).

Section 78. 61-10-145. Subsection (3) of 61-10-102 is deleted in this bill (see 74). Therefore the reference to it here is deleted.

Section 79. 61-10-146. Makes grammatical clarification.

Section 80. 61-10-148. "This act" is Chapter 72, Laws of 1913, reenacted as Chapter 10, Laws of 1915. There is nothing left in current law of that act to which any penalty could apply, and therefore this penalty section is meaningless. It has been erroneously interpreted at various times to apply to parts of former Chapter 11, Title 32, R.C.M. 1947. See 35 A.G. Opinions 14 and Department of Highways Memorandum dated March 24, 1977, reference Distribution of Fines and Forfeitures. The department of highways suggests that the section be amended to refer to 61-10-146 and 61-10-147, fines for which no other disposition is prescribed, and the section is amended accordingly. This is an affirmative change in the statute requested by the department, whereas normally as a matter of recodification, the section being meaningless, it would have been recommended for repeal. Other exceptions to the directive of this statute are also indicated, namely the exceptions of 61-12-701 and the deductions for traffic education and crime victims. The language concerning the latter deductions was left general, so that if additional deductions are made in the future, they will automatically be covered.

Section 81. 61-10-201. "Motortruck" is an antiquated term synonomous with "truck". The schedule as drafted provided no fee for GVW of exactly 8,000, 10,000, 12,000 lbs., etc. The amendment clarifies that a GVW license application for 8,000 lbs. is included in the 6,000 to 8,000 lb. category.

Section 82. 61-10-202. See 81.

Section 83. 61-10-209. "License fee" is used in this section to denote both the "vehicle registration fee" and the "GVW license fee". This amendment clarifies that "basic license fee" means "vehicle registration fee".

Section 84. 61-10-214. Changes an inaccurate reference to 61-4-102 to 61-4-103.

Section 85. 61-10-222. Clarifies which license is referred to.

Section 86. 61-10-223. The first sentence means absolutely nothing, and in fact appears to conflict with the intent of staggered registration. Amendment of the second sentence again is to clarify which license is being referred to.

Section 87. 61-10-224. Clarifies which license is referred to.

Section 88. 61-10-226. Clarifies which license fees are referred to.

Section 89. 61-10-227. Clarifies which license is referred to.

Section 90. 61-10-233. There have never been any penalties stated in "this section", i.e., 61-10-233, and the reference in subsection (1) is amended to reflect the general penalty section 61-10-232.

In subsection (2) "thereafter" refers to a portion of the section which has been deleted by amendment (see Chapter 37, Laws of 1971) and is therefore deleted. "In addition" is added for grammatical clarification.

Section 91. 61-11-211. Changes an inaccurate reference to division. See 36.

Section 92. 61-12-208. Under 3-10-207 all justices of the peace are salaried and do not now collect personal fees, therefore subsection (2) appears to be superseded. However, because it says "no additional fee shall be paid. . . where salaries are fixed by law" it could be argued that this "additional fee" relates to the personal fee, and the first-mentioned "fees of the justices of the peace" are really

court costs, collected as an exception to the costs specified in 3-10-603. This argument is strengthened in that this subsection was amended in 1974, after the 1973 law establishing salaries (3-10-207) was enacted, indicating the legislature was on notice of the 1973 law and retained this subsection (2) anyway; hence the two should be read together.

At any rate, the subsection appears to be of dubious value because there appear to be no relevant offenses for which the statutory fine is $5 or less. Hence, the subsection is recommended for deletion.

Section 93. 61-12-401. Chapter 288, Laws of 1967 (HB 195) as originally introduced prohibited leaving vehicles on private as well as public property. But during deliberation on the bill the prohibition as to private property was amended out. The reference to private property in subsection (1)(b) of this section was overlooked, as was the catchline of section 1 of the bill (53-901, R.C.M. 1947) which was corrected as a matter of recodification.

Section 94. 61-12-502. Makes grammatical clarification.

Section 95. 61-12-701. "Fees" is deleted because there are no fees which can be collected upon arrest of a person by a patrolman which are not otherwise disposed of, namely GVW fees under 61-10-209 or 61-10-233.

The specific reference to the traffic education deduction of 20-7-504 is replaced with a general reference to all statutory deductions, to include the crime victims deduction of 53-9-109 as well as any other deductions enacted in future law.

Section 96. 61-12-703. See 95, second paragraph.

Section 97. 20-7-504. The general reference to statutes relating to the operation and use of motor vehicles is vague. Does such a reference include violations of motor carrier law, fuel tax law, motor service club law, or other peripheral areas? The reference is tied by this amendment essentially to only violations of Title 61, i.e., vehicle registration, driver's licensing, financial responsibility, accident reporting, traffic regulation, vehicle equipment, and size, weight, and load requirements. If violations of motor carrier law or other statutes are intended to be included they can be amended into the section as well.

Section 98. 53-9-109. See 97.

Section 99. Repealed section:

61-8-721 is derived from 75-7007, R.C.M. 1947, which was duplicated entirely by 32-2193, 32-2197, and 32-2198, R.C.M. 1947, (presently 61-8-349, 61-8-351, and 61-8-352, MCA). The latter sections were covered by the general penalty provision of 61-8-711, whereas 61-8-721 provides the penalty for 75-7007, R.C.M. The two penalties differ, and it is recommended that this one be stricken and that the general penalty provision of 61-8-711 govern.

Section 100. Repealed sections:

31-167 is duplicated by 61-11-101, MCA.

31-186 is duplicated by 61-11-213, MCA.

32-1116 has no current application, since the sections it refers to have all been repealed.

32-1119 is obsolete and superseded generally by Chapter 10, Title 61, MCA.

32-2101 is duplicated by 61-1-101.

32-2124.2, which precludes fuel taxation, licensing, and regulation of vehicles used off public highways, has been superseded by or is in contravention of many other statutes, i.e., 60-3-201 which involves taxation of fuel used in snowmobiles and motorboats, 61-8-101 which makes certain regulations applicable off as well as on the highway, 61-8-401 which makes driving under the influence of certain drugs anywhere in the state an offense, and parts 5 and 6 of Chapter 2, Title 23 which regulate and require licensure of boats and snowmobiles, although arguably boats and snowmobiles are not motor vehicles subject to 32-2124.2.

32-21-154 is duplicated by 61-9-109(1).

53-134 has been superseded by 61-4-104 and 61-4-111. The requirement of 53-134 that dealers must have a certificate of title (ownership) for each car in their possession has not been enforced for years, and is specifically not required by 61-4-111.

53-135 is superseded by 61-3-204 and 61-3-341.

53-140 is superseded by 61-4-111.

53-141 through 53-143 are obsolete, as there is no "auto theft fund" nor has there been one in remembered history.

LC 0045

53-144 refers to this act (Chapter 113, Laws of 1925) of which only 61-3-603 and 61-3-106 remain. Inasmuch as those sections have no provision for making sworn statements, 53-144 cannot apply to them. Hence the section has no current application and is recommended for repeal.

Dave Cogley finished going over the sheet of amendments.

Senator Hager made the motion that we DO PASS SB 113 with all the amendments. Senator Graham seconded the motion. The motion was carried unanimously.

OTHER BUSINESS: Chairman Etchart announced the next meeting of the Highways and Transportation Committee would meet at 12:30 in Room 410 of the State Capitol Building on Tuesday, Jan. 30, 1979.

Senate Bill 196 was set for hearing on Thursday, February 1, 1979.

Senate Bill 251, House Bill 18, and House Bill 28 were set for hearing on Tuesday, January 30, 1979.

There being no further business, the meeting adjourned at 2:30 p.m.

Mark Etchart
CHAIRMAN MARK ETCHART

cf

1-27-79

ROLL CALL

Highways + Trans. COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad			✓
Carroll A. Graham	✓		
Dave Manning	✓		
John E. Healy (Jack)	✓		

Each Day Attach to Minutes.

SENATE

SENATE COMMITTEE Highways & Transportation

Date 1-27-79 Senate Bill No. 113 Time

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad		
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Fossie
Secretary

Mark Etchart
Chairman

Motion: Do Pass with attached amendments.

(include enough information on motion--put with yellow copy of committee report.)

AMENDMENTS TO SB 113

1. Title, line 7.
Strike: "31-167,"

2. Page 15, line 15.
Following: "traffic."
Insert: "For the purpose of part 2, chapter 8, of this title, the term also includes "flag person" as defined in 61-1-411."

3. Page 68, line 7.
Following: "the"
Strike: "basic rule"

4. Page 68, line 17.
Strike: "as nearly as possible"
Insert: "at least"

5. Page 97.
Following: line 10
Insert: "Section 99. Section 61-5-405, MCA, is amended to read:

"61-5-405. Offenses furnishing ground for suspension or revocation of license. (1) Items enumerated in Article IV(1), subsections (a), (b), (c), and (d) of 61-5-401 refer specifically to 45-5-103, 45-5-104, 61-8-401, 45-2-101(5), and 61-7-103, respectively.

(2) In addition to convictions mentioned above the division, for the purpose of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported as it would if such conduct had occurred in this state for:

(a) convictions of perjury or the making of a false affidavit relating to the ownership or operation of a motor vehicle (61-5-303); and

(b) three convictions of reckless driving committed within a period of 12 months (61-8-301).""

Renumber subsequent sections

6. Page 97, line 13.
Strike: "31-167,"

7. Page 25, line 6
Strike: subsection (6) in its entirety

8. Page 97, line 13 + 14
Strike: "and" line 13
Insert: "Subject to" line 14

SENATE BILL NO. 113

INTRODUCED BY GRAHAM

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAW RELATING TO MOTOR VEHICLES; REPEALING SECTION 61-8-721, MCA; AND REPEALING SECTIONS ~~31-167~~, 31-186, 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134, 53-135, AND 53-140 THROUGH 53-144, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-1-101, MCA, is amended to read:

"61-1-101. Definitions. ~~The--following~~ Unless the context indicates otherwise, the words and phrases when defined in this chapter have as used in this ~~fact]--shall~~ for--the--purpose--of--this--fact] title, have the meanings respectively ascribed to them in this chapter."

Section 2. Section 61-1-102, MCA, is amended to read:

"61-1-102. Motor vehicle. ~~(1)--"Motor-vehicle"-means every-vehicle-which--is--self-propelled--and--every--vehicle which--is-propelled-by-electric-power-obtained-from-overhead trolley--wires--but--not--operated--upon--rails,---excluding motorcycles.~~

~~(2)--For--61-10-101--through-61-10-110,-the-term-"motor vehicle"--is-defined-in-subsection-(3).~~

~~(3)--"Motor--vehicle"--means--every--vehicle--which--is self-propelled--and--every--vehicle--which--is--propelled-by electric-power-obtained-from-overhead-trolley-wires-but--not operated-upon-rails.~~

~~(4)--The-word-"motor-vehicle"-as-used-in-61-3-502-means automobiles,--auto--trucks,--and--motorcycles,--propelled-by their-own-power,-used-upon-the-public-highways-of-the-state.~~

~~(5)--The-term-"motor-vehicle"-as--used--in--part--4--of chapter--4--shall--mean--every-self-propelled-vehicle-moving over--the--highways--of--this--state,--whether--patented--or unpatented.~~

~~(6)--"Motor--vehicle"--means--a--self-propelled-vehicle including--without--limitation--an---automobile,---motorbus, motorcycle,-truck,-and-truck-tractor.~~

~~(7)--The--word--"motor-vehicle"-as-used-in-[this-title] shall--include--trailers,--semitrailers,--automobiles,--auto trucks,--motorcycles,--cycle--motors,-and-all-other-vehicles propelled-by-their-own-power,-used-upon-the-public--highways of---the---state,---excepting--steam--or--gas--tractors,--or self-propelled-wheelchairs-or-similar-vehicles--operated--by invalids.~~

~~(8)--The--term--"motor-vehicle"-as-used-in-61-3-202-and 61-3-322---includes---automobile,---truck,---motorcycle-type vehicle,-and-semitrailer,-trailer-and-housetrailer.~~

~~(9)--The--words--"motor--vehicle"-as-used-in-chapters-3~~

REFERENCE BILL

and 4 shall include all vehicles which are self-propelled except road rollers, traction engines, and railroad cars, farm tractors, and motorcars run upon stationary rails or tracks.

(18) "Motor vehicle", as used in part 1, chapter 6, means every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

(11) "Motor vehicle", as used in 61-3-711 through 61-3-733, means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. "Motor vehicle" means every vehicle propelled by its own power and designed primarily to transport persons or property upon the highways of the state, except that for the purpose of chapter 3 the term also includes trailers, semitrailers, and housetrailers."

Section 3. Section 61-1-103, MCA, is amended to read:

"61-1-103. Vehicle. (1) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting except

devices moved by human or animal power or used exclusively upon stationary rails or tracks. However, in chapters 3 and 4 the term means "motor vehicle" as defined in this part.

(2) For 61-10-101 through 61-10-110, the term "vehicle" is defined in subsection (3).

(3) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(4) The term "vehicle" as used in chapters 3 and 4 shall include any motor vehicle as herein defined.

(5) "Vehicle", as used in 61-3-711 through 61-3-733, means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks."

Section 4. Section 61-1-104, MCA, is amended to read:

"61-1-104. Special mobile equipment. (1) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus, and concrete mixers. The foregoing enumeration shall be deemed is partial and shall not operate to does not exclude other such

vehicles which are within the general terms of this section.

~~(2)--"Special mobile equipment" as used in 61-3-431 through 61-3-434 means every vehicle which is not designed and used primarily for the transportation of persons or property on a public highway and which is operated or moved over the highway from construction project to construction project and not removed from the confines and haul roads thereof, except for movement from construction project to storage yard, from storage yard to construction project, or from storage yard or construction project to point of repair or maintenance and return. Special mobile equipment includes, but is not limited to portable air compressors, air drills, asphalt spreaders, gravel crushing equipment and hot plant equipment, buckets, belt and front end loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, earth moving scrapers and carryalls, lighting, generating and power plants, welders, pumps, power shovels and draglines, cranes, crane mounted heel boom log loaders, fork lift trucks, lumber carriers, bunkhouses, toolhouses, shop cars, oil distributors, scales and scale houses, and conveyors. It also includes self propelled tractor drawn earth moving equipment, dump trucks, and tractor dump trailer combinations which, because of excess width, height, length, or unladen weight, cannot be moved over a public highway

without a permit as provided in 61-10-121 through 61-10-127, and which are operated unladen except within the boundaries of the project limits, as defined by the contract, and adjacent haul roads. However, the term "special mobile equipment" does not include a vehicle such as a truck, truck tractor, trailer, semitrailer, housetrailer, or house car designed for the transportation of persons or property.~~

Section 5. Section 61-1-105, MCA, is amended to read:

"61-1-105. Motorcycle. ~~(1)--"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.~~

~~(2)--"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.~~

~~(3)--The term "motorcycle" "Motorcycle"~~ as used in ~~chapters 3 and 4 shall mean~~ means a motor vehicle having not more than three wheels in contact with the ground and a saddle on which the operator sits ~~astride~~, or a platform on which he stands, and bicycles having a motor attachment attached thereto and a driving wheel in contact with the ground, in addition to the wheels of the vehicle itself, ~~a~~ but a motorcycle may carry one or more attachments and a seat for the conveyance of a passenger. The term does not

include a tractor."

Section 6. Section 61-1-107, MCA, is amended to read:

"61-1-107. Truck. ~~(1)~~ "Truck" or "motortruck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

~~(2)--For--61-10-101-through-61-10-110,-the-term-"truck" is-defined-in-subsection-(1).~~

~~(3)--The-term-"motortruck"-as-used-in-chapters-3-and--4 shall--include--all--motor-vehicles-designed-or-used-for-the transportation---of---commodities,---merchandise,---produce, freight,-or-animals."~~

Section 7. Section 61-1-108, MCA, is amended to read:

"61-1-108. Truck tractor. ~~(1)~~ "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

~~(2)--For-61-10-101-through-61-10-110,-the--term--"truck tractor"-is-defined-in-subsection-(1)."~~

Section 8. Section 61-1-109, MCA, is amended to read:

"61-1-109. Farm tractor. ~~(1)~~ "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

~~(2)--"Farm--tractor"-means-every-motor-vehicle-designed and-used-primarily-as-a-farm-implement--for--drawing--plows, mowing-machines,-and-other-implements-of-husbandry."~~

Section 9. Section 61-1-111, MCA, is amended to read:

"61-1-111. Trailer. ~~(1)~~ "Trailer" means every vehicle, with or without motive power, ~~(other than a pole trailer)~~, designed for carrying property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle, except that

~~(2)--For---61-10-101---through---61-10-110,---the--term "trailer"-is-defined-in-subsection-(1).~~

~~(3)--The-term-"trailer"~~ as used in chapters 3 and 4 ~~shall-include~~ the term includes every vehicle without motive power, ~~--designated~~ designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle."

Section 10. Section 61-1-112, MCA, is amended to read:

"61-1-112. Semitrailer. ~~(1)~~ "Semitrailer" means every vehicle, with or without motive power, ~~(other than a pole trailer)~~, designed for carrying property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle, except that

~~(2)--For---61-10-101---through---61-10-110,---the--term "semitrailer"-is-defined-in-subsection-(1).~~

~~(3)--The-term-"semitrailer"~~ as used in chapters 3 and 4

shall include the term includes every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle a pole trailer."

Section 11. Section 61-1-201, MCA, is amended to read:

"61-1-201. Highway. (1) "Highway" means the entire width between the boundary lines of every way publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

(2) "Highway" means the entire width between the boundary lines of every street, highway, and related structure as has been or shall be built and maintained with appropriated funds of the United States and which has been or shall be built and maintained with funds of the state or any political subdivision thereof or which has been or shall be dedicated to public use or has been acquired by eminent domain, except that for the purpose of chapter 9 the term also includes ways which have been or shall be dedicated to public use."

Section 12. Section 61-1-202, MCA, is amended to read:

"61-1-202. Public highways highway. In 61-12-201 through 61-12-208, the term "public highways" "Public highway" means "highways" "highway" as defined in 61-1-201."

Section 13. Section 61-1-203, MCA, is amended to read:

"61-1-203. Street. (1) "Street" means the entire width between the boundary lines of every way publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

(2) "Street" means the entire width between the boundary lines of every street, highway, and related structure as has been or shall be built and maintained with appropriated funds of the United States and which has been or shall be built and maintained with funds of the state or any political subdivision thereof or which has been or shall be dedicated to public use or has been acquired by eminent domain."

Section 14. Section 61-1-305, MCA, is amended to read:

"61-1-305. Highway patrolman. "Highway patrolman" means every state officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations."

Section 15. Section 61-1-307, MCA, is amended to read:

"61-1-307. Person. (1) "Person" means every natural person, firm, partnership, association, or corporation.

(2) The term "person" as used in part 4 of chapter 4 means any individual, firm, corporation, partnership, association, trustee, receiver, or assignee for the benefit of creditors.

(3) "Person", as used in 61-4-131 through 61-4-137,

means an individual, corporation, partnership, association, firm, or other legal entity.

~~(4) "Person" as used in part 1, chapter 6, means every natural person, firm, partnership, association, or corporation.~~

~~(5) "Person", for purposes of 61-3-711 through 61-3-733, means every natural person, firm, partnership, association, or corporation."~~

Section 16. Section 61-1-310, MCA, is amended to read:

"61-1-310. Owner. ~~(1) A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.~~

~~(2) The term "owner" as used in chapters 3 and 4 shall include any person, firm, association, or corporation owning or renting a motor vehicle or having the exclusive use thereof, under lease or otherwise, and shall also include a contract vendee.~~

~~(3) "Owner" as used in 61-3-711 through 61-3-733 means~~

a person who holds the legal title to a vehicle, ~~or in the~~ event If a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner ~~shall be deemed to be such~~ is the person in whom is vested right of possession or control.

~~(4) "Owner" as used in part 1, chapter 6, means a person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of part 1, chapter 6."~~

Section 17. Section 61-1-311, MCA, is amended to read:

"61-1-311. Operator. ~~(1) "Operator" means every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is~~

exercising control over or steering a vehicle being towed by a motor vehicle.

(2) "Operator" as used in part 1, chapter 6, means every a person who is in actual physical control of a motor vehicle."

Section 18. Section 61-1-314, MCA, is amended to read:

"61-1-314. Dealer. (1) The term "dealer" as used in part 4 of chapter 4 shall mean any person, firm, association, or corporation or other organization of any kind, character, or nature regularly engaged or intending to engage in the business of selling motor vehicles at retail within this state.

(2) "Dealer" as used in 61-4-131 through 61-4-137 means a person who, for commission or profit, engages in the business of buying, selling, exchanging, or acting as a broker of motor vehicles under a franchise or distribution agreement.

(3)(1) (a) The term "dealer" "Dealer" as used in chapter 3 and part 1 of chapter 4 shall mean and include means any person, firm, association, or corporation engaged which, for commission or profit, engages in whole or in part in the business of buying, selling, exchanging, or acting as a broker of either new or used motor vehicles, or both, and who is qualified qualifies for issuance of a dealer's license under 61-4-101 through 61-4-105, and no person,

firm, association, or corporation shall be issued a dealer's license by the division unless it qualifies as a dealer defined herein.

(b)(2) The term "dealer" does not include the following:

(i)(a) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under a judgment or order of any court of competent jurisdiction;

(ii)(b) employees of such persons when engaged in the specific performance of their duties as such employees; or

(iii)(c) public officers while performing or in the operation of their duties.

(c)(3) A dealer dealing in used cars motor vehicles only shall deliver to the buyer on completion of sale a transferable title and shall purchase a Montana store license. Dealer shall deliver, under oath, a notarized certificate with any used motor vehicle, stating the full name and last known address of the previous owner of said motor vehicle, and state where the motor vehicle was last registered."

Section 19. Section 61-1-315, MCA, is amended to read:

"61-1-315. Trailer dealer. "Trailer dealer" as used in chapters 3 and 4 shall mean and include means any person, firm, or corporation engaged in whole or in part in the business of buying or selling trailers or semitrailers, with

facilities for displaying one or more trailers or semitrailers."

Section 20. Section 61-1-316, MCA, is amended to read:

"61-1-316. Manufacturer. The term "manufacturer" as ~~used--in--chapter--3--and--part-1-of-chapter-4-shall-include~~ includes any person, firm, corporation, or association engaged in the manufacture of any motor vehicles, trailers, or semitrailers as a regular business."

Section 21. Section 61-1-403, MCA, is amended to read:

"61-1-403. Official traffic-control devices. "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this ~~[act]~~ title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. FOR THE PURPOSE OF CHAPTER 8, PART 2, OF THIS TITLE, THE TERM ALSO INCLUDES "FLAG PERSON" AS DEFINED IN 61-1-411."

Section 22. Section 61-1-504, MCA, is amended to read:

"61-1-504. Revocation. "Revocation" means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and ~~shall~~ may not be renewed or restored. An application for a new license may be presented and acted upon by the division after the expiration of the period of ~~such~~ the revocation or ~~suspension~~."

NEW SECTION. Section 23. Certificate of ownership. "Certificate of ownership" means the certificate issued by the division of motor vehicles to the transferee upon a transfer of ownership of a motor vehicle.

Section 24. Section 61-2-203, MCA, is amended to read:

"61-2-203. Equipment requirements continued in force. Provisions of ~~[sections-32-21-114-to--32-21-161,--inclusive, R.C.M.---1947,]~~ chapter 9 of this title shall continue to be ~~of-force-and~~ in effect. The approval of the legislature is a condition precedent to the taking effect of any rule, regulation, or code that may be ~~issued-or~~ adopted by the commission."

Section 25. Section 61-2-204, MCA, is amended to read:

"61-2-204. State commissioner on vehicle equipment safety commission. ~~The~~ Notwithstanding section 1, chapter 272, Laws of 1971, the commissioner of this state on the vehicle equipment safety commission ~~shall-be~~ is the highway patrol chief who shall serve during his continuance as such officer. The commissioner ~~of-this-state~~ appointed pursuant to this section may designate an alternate from among the officers and employees of his agency to serve in his place ~~and--stead~~ on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of ~~such~~ the alternate ~~shall--be~~ are as

determined by the commissioner designating ~~such--alternate~~ him."

Section 26. Section 61-3-101, MCA, is amended to read:

"61-3-101. Duties of division of motor vehicles -- records. (1) The division of motor vehicles shall keep a record as hereinafter specified of all motor vehicles, trailers, and semitrailers of every kind, and of certificates of registration and ownership thereof, and of all dealers in motor vehicles.

(2) In the case of motor vehicles, trailers, and semitrailers, the record shall show the following:

(a) name of owner, residence by town and county, and business address;

(b) name and address of conditional sales vendor, mortgagee, or other lienholder and amount due under contract or lien;

(c) manufacturer of car;

(d) manufacturer's designation of style of car or vehicle;

(e) identifying number;

(f) year of manufacture;

(g) character of motive power and shipping weight of car as shown by the manufacturer;

(h) the distinctive license number assigned ~~such-car~~ or to the vehicle;

(i) if a truck or trailer, the number of ~~tons~~ tons' capacity OR G.V.W. IF IMPRINTED ON ~~LICENSE~~ MANUFACTURER'S IDENTIFICATION PLATE;

(j) such other information as may from time to time be found desirable.

(3) The division shall file applications for registration received by it from the county treasurers of the state and register the vehicles therein described and the owners thereof in suitable books or on index cards, as follows:

(a) under the distinctive license number assigned to the vehicle by the county ~~treasurers~~ treasurer;

(b) alphabetically under the name of the owners owner;

(c) numerically under make and identifying number of the vehicle;

(d) such other index of registration as the division ~~shall deem~~ considers expedient.

(4) Vehicle registration records and indexes and driver's license records and indexes may be maintained by electronic recording and storage media.

(5) In the case of dealers, the records shall show the information contained in the application for dealer's license as required by 61-4-101 through 61-4-105, as well as the distinctive license number assigned to the dealer.

(6) In order to prevent an accumulation of unneeded

records and files, the division shall have the authority and it shall be its duty to destroy all records and files which have ceased to be of any value.

(7) The division may establish and maintain a short-wave radio station in order to report motor vehicle registration information to the highway patrol, to sheriffs, and to the chiefs of police of each incorporated city of the state who are able to communicate with such short-wave radio station.

(8) All such records shall be open to inspection during all reasonable business hours, and the division shall furnish any information from said the records upon payment by the applicant of the cost of transcribing the information requested.

~~(9)--The--division---shall---appoint---such---deputies, subordinate---officers,--clerks,--investigators,--and--other employees-as-may-be-necessary-to--carry--out--this--chapter, providing--there--be--selected--as-many-of-the-clerical-help from-the--inmates--of--the--state--prison--as--the--division determines--to--be--possible.--All--office-equipment,-books, files,-and-records-belonging-to-the-[motor-department]-shall be-in-the-care--and--general--custody--and--control--of--the division-at-Deer-Lodge."~~

Section 27. Section 61-3-105, MCA, is amended to read:

"61-3-105. ~~Licensee~~ Registrant as prima facie owner of

vehicle. ~~Licensee--of--motor--vehicle--shall-prima-facie-be deemed-owner-thereof.~~ For the purpose of this ~~fact~~ title, except as provided by 61-3-701(3) the person appearing on the public records as ~~licensee~~ the registrant of any motor vehicle shall prima facie be deemed the owner thereof."

Section 28. Section 61-3-106, MCA, is amended to read:

"61-3-106. Report of stolen and recovered motor vehicles. It shall be the duty of the sheriff of every county of the state and of the chief of police or commissioner of police of every city to make immediate report to the division of all motor vehicles reported to him as stolen or recovered, upon forms provided for by the division. Failure on the part of any officer shall be deemed considered to be misfeasance in office and shall constitute grounds for removal. Upon receipt of such information, the division shall file ~~the-same~~ it in an index to be known as the "stolen and recovered motor vehicle index". It shall also be the duty of the division to file reports of stolen and recovered motor vehicles reported to it from other states. The division shall prepare once a month a list of all motor vehicles stolen or recovered during the previous month and forward a copy of ~~the-same~~ it to every sheriff and all police departments in cities of the first, second, and third class. ~~Such~~ The list shall also be forwarded to the secretary of state or other proper official in each state of

the United States. Before issuing a certificate of ~~title--as heretofore---provided~~ ownership, the ~~secretary--of--state~~ division shall check the motor and serial number on the motor vehicle to be registered against the "stolen and recovered vehicle index"."

Section 29. Section 61-3-201, MCA, is amended to read:

"61-3-201. Transfer of ~~title or~~ interest. (1) Upon a transfer of any ~~title--or~~ interest ~~of an owner~~ in ~~or to~~ a motor vehicle registered under the provisions of this chapter ~~as--hereinafter required~~, the person whose ~~title or~~ interest is to be transferred shall write his signature with pen and ink upon the certificate of ownership issued for such vehicle in the appropriate space provided upon the reverse side of ~~such~~ the certificate, and ~~such~~ his signature shall be acknowledged before a notary public.

(2) Within 20 calendar days thereafter, the transferee shall forward both the endorsed certificate of ownership ~~so endorsed~~ and the certificate of registration, together with the information required under 61-3-202, to the county treasurer, who shall forward ~~the same~~ them to the division. ~~and--no~~ No certificate of ownership ~~and~~ or certificate of registration may be issued by the division until the outstanding certificates are surrendered to that office or their loss is established to its reasonable satisfaction. Failure to make ~~such~~ application within the 20-day grace

period subjects the transferee to a penalty of $10. The penalty is to be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law.

(3) In the event of a transfer by operation of law of any ~~title or~~ interest ~~of an owner--of--the--legal--title--or~~ owner in ~~and to~~ a motor vehicle as upon inheritance, devise, or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or executory sales contract, or otherwise than by voluntary act of the person whose title or interest is ~~so~~ transferred, the executor, administrator, receiver, trustee, sheriff, or other representative or successor in interest of the person whose ~~title--or~~ interest is ~~so~~ transferred shall forward to the division an application for ~~registration~~ a certificate of ownership in the form required for an original application for ~~registration~~ a certificate of ownership, together with a verified or certified statement of the transfer of such ~~title--or~~ interest. ~~Such~~ The statement shall set forth the reason for ~~such~~ the involuntary transfer, the ~~title or~~ interest so transferred, the name ~~or--names~~ of the person ~~or persons~~ to whom ~~such title or~~ the interest is to be transferred, the process of procedure effecting such transfer, and ~~such~~ other information ~~as--may--be~~ requested by the division. ~~Such~~

evidence Evidence and instruments as--may otherwise be required by law to effect a transfer of legal or equitable title to or an interest in chattels as may be required in such cases shall be furnished with such the statement. In the--event If the division shall-be is satisfied that such the transfer is regular and that all formalities as required by law have been complied with, it shall cause--to--be--sent send to the owner, conditional sales vendors vendor, lessors lessor, mortgagees mortgagee, and other lienors lienor, as shown by its records, notice of such the intended transfer and thereafter, but not less than 5 days thereafter, shall register--such--motor--vehicle--and--shall issue a new certificate of ownership and certificate of registration to the person or-persons entitled thereto. The notice herein required shall-be-deemed is complied with by deposit in the post office in Deer Lodge, Montana, such notice, postage prepaid, addressed to such the person or-persons at the respective addresses address shown on its records.

(4) When the vehicle title certificate of ownership that is involuntarily transferred is not registered in this state, the procedure set forth above must be followed in applying for a new certificate of ownership and certificate of registration, but the division need not send notice of intended transfer and shall issue a new certificate of ownership and a new certificate of registration to the

person entitled thereto.

(5) In the event of the death of an owner of one or more motor vehicles and/or-trailer-and/or-semitrailer-and/or housetrailer or trailers or semitrailers or housetrailers registered hereunder and not exceeding the value of $4,000, without leaving other property necessitating the procuring of letters of administration or letters testamentary, then the surviving husband or wife, or other heir, unless such property is by will otherwise bequeathed, may secure transfer of the certificate of ownership and the certificate of registration of the deceased, --in--and to such motor vehicle in the name of the surviving husband or wife or other heir, as above mentioned, upon filing with the division an affidavit of-such-person setting forth the fact of survivorship and the name and address of any other heirs and such other facts as are hereby made necessary to entitle the affiant to a transfer. Thereupon the division is authorized to make such the transfer of the certificate of ownership and certificate of registration, subject to all contracts, leases, mortgages, or other liens as shown by his its records.

(6) Nothing in subsection (5) shall prevent any conditional sales vendor, mortgagee, or other lienor from assigning his interest or-title in or--to a motor vehicle registered under the provisions of this chapter to any other

person without the consent of and without ~~effecting~~ affecting the interest of the holder of the certificate of ownership and certificate of registration. Upon any conditional sales vendor, mortgagee, or other lienor assigning his interest in any motor vehicle registered under this chapter, a copy of such assignment must be filed with the division and record thereof made upon ~~his~~ its records.

(7) The certificates of ownership shall remain valid until canceled by the division upon a transfer of any interest shown therein and need not be renewed annually.

~~(8)--Every--person-who-transfers-any-motor-vehicle-to-a junk-dealer-for-the-purpose-of-scrapping--said--the--vehicle shall--so-notify-the-division-and-deliver-the-certificate-of ownership-and-certificate-of-registration--to--the--division for-cancellation.~~"

Section 30. Section 61-3-202, MCA, is amended to read:

"61-3-202. Certificate of ownership -- issuance -- contents -- joint ownership --issuance. (1) Upon completion of the application for registration, on forms furnished by the division, the county treasurer shall forward one copy of the application to the division, which shall ~~cause--to--be entered~~ enter the information contained in ~~said~~ the application upon the corresponding records of its office and shall furnish the applicant a certificate of ownership subject to the provisions of 61-3-103.

(2) The certificate of ownership shall contain upon the face thereof:

(a) the date issued;

~~(b)--the-registration-number-assigned-to-the-owner--and the-vehicle;~~

~~(c)~~(b) the name and complete address of the owner, or the names and addresses of joint owners;

~~(d)~~(c) the name and complete address of any conditional sales vendor, and also the name and address of any other lienor as shown by ~~said~~ the application;

~~(e)~~(d) a description of the registered vehicle, including the year built and serial number, if any;

~~(f)~~(e) any lien against such motor vehicle and the amount due at the date of registration; and

~~(g)~~(f) such other statement of facts as may be determined by the division.

(3) When the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(4) Upon receipt of the application, the division shall ~~make--a~~ recheck of the application, ~~and-in-the-event that~~ if there is any error in the application it may be returned to the county treasurer to effectively secure the

correction of such error, who shall return the same to the division.

(5) The certificate of ownership shall contain a form of notice to the division of a transfer of ~~title or~~ interest of the owner and such other ~~statement on forms~~ statements as may be determined by the division."

Section 31. Section 61-3-301, MCA, is amended to read:

"61-3-301. Registration -- license plate required -- display. (1) Except as otherwise provided herein, no person shall operate a motor vehicle upon the public highways of this state ~~without a license and~~ unless such vehicle ~~shall have been~~ is properly registered and ~~shall~~ have has the proper number plates conspicuously displayed, one on the front and one on the rear of ~~such~~ the vehicle, each securely fastened ~~so as~~ to prevent ~~the same~~ it from swinging, and unobstructed from plain view, except that trailers, ~~and semitrailers~~ SEMITRAILERS, AND MOTORCYCLES shall have but one number plate conspicuously displayed on the rear. No person shall display on such vehicle at the same time any number assigned to it under any motor vehicle law, except as provided in this chapter ~~otherwise provided~~. A junk vehicle, as defined in part 5, chapter 10, Title 75, being driven or towed to an auto wrecking graveyard for disposal is exempt from the provisions of this section.

(2) No person shall purchase or display on ~~such~~ a

vehicle any license plate bearing the number assigned to any county as provided in 61-3-332, other than the county of his permanent residence at the time of application for registration. ~~Provided, however, that~~ However, the owner of any motor vehicle requiring a license plate on any motor vehicle used in the public transportation of persons or property may make application therefor in any county through which ~~said~~ the motor vehicle passes in its ~~regular~~ regularly scheduled route, and the license plate so issued bearing the number assigned to said county may be displayed on ~~said~~ the motor vehicle in any other county of the state.

(3) It ~~shall be~~ is unlawful to use license plates issued to one vehicle on any other vehicle, ~~trailers~~ trailer, or ~~semitrailers~~ semitrailer unless legally transferred as provided by statute, or ~~repainting~~ to repaint old license plates to resemble current license plates.

(4) Any person violating these provisions ~~shall be~~ deemed is guilty of a misdemeanor and ~~shall be~~ subject to the penalty as set out in ~~61-3-704~~ 61-3-601."

Section 32. Section 61-3-317, MCA, is amended to read:

"61-3-317. New registration required for transferred vehicle -- grace period -- penalty -- display of proof of purchase. ~~(1)~~ Except as otherwise provided herein, the new owner of ~~the~~ a transferred motor vehicle shall have ~~the~~ a grace period of 20 calendar days from the date of purchase

to make application and pay the taxes, as provided by part 5 of this chapter, as if the ~~same was~~ vehicle were being registered for the first time in that registration year. If the motor vehicle was not purchased from a duly licensed motor vehicle dealer as provided in this chapter, it ~~shall not be~~ is not a violation of this chapter or any other law for the purchaser to operate the vehicle upon the streets and highways of this state without a certificate of registration during the 20-day period, provided that at all times during that period a bill of sale or other proof of purchase reciting the date of purchase ~~shall be~~ is clearly displayed in the rear window of the motor vehicle. Registration and license fees collected under 61-3-321 are not required to be paid when a license plate is transferred under this section and 61-3-335. Failure to make application within the time provided herein ~~shall subject~~ subjects the purchaser to a penalty of $10. The penalty shall be collected by the county treasurer at the time of registration and shall be in addition to the fees otherwise provided by law.

~~(2) Any purchaser of a new or used motor vehicle from a duly licensed motor vehicle dealer shall have the grace period of 20 calendar days from the date of purchase to make application for registration and to obtain registration plates, and it shall not be a violation of this chapter or~~

~~any other law for such purchaser to operate such vehicle upon the streets and highways of this state without a certificate of registration and registration plates during the 20-day period, provided that at all times during said period the sticker issued by the dealer at the time of purchase shall remain affixed to said vehicle as provided in 61-4-111. Failure to make such application within the time provided herein subjects the purchaser to a penalty of $10. The penalty is to be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law.~~"

Section 33. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles -- ~~public~~ owned public-owned vehicles exempt from license or registration fees -- disposition of fees. (1) Registration or license fees shall be paid upon registration or reregistration of motor vehicles, trailers, housetrailers, and semitrailers, in accordance with this chapter, as follows:

(a) motor vehicles weighing 2,850 pounds or under, [other than motortrucks], $5;

(b) motor vehicles weighing over 2,850 pounds, [other than motortrucks], $10;

(c) electrically driven passenger vehicles, $10;

(d) all motorcycles, $2;

(e) tractors and/or trucks, $10;

(f) buses shall be classed as motortrucks and licensed accordingly;

(g) trailers and semitrailers less than 2,500 pounds maximum gross loaded weight and housetrailers of all weights, $2;

(h) trailers and semitrailers over 2,500 up to 6,000 pounds maximum gross loaded weight, ~~[except housetrailers]~~, $5;

(i) trailers and semitrailers over 6,000 pounds maximum gross loaded weight, $10;

(j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery, and or bridge ~~material exclusively~~ materials, new and secondhand, ~~and trailers used exclusively for the transportation of road machinery and bridge materials~~, shall pay a fee of $15 annually, regardless of size or capacity;

(k) bicycles with motor attachment, $1.

(2) All rates shall be 25% higher for motor vehicles, trailers, and semitrailers when not equipped with pneumatic tires.

(3) ~~Tractors~~ "Tractor", as specified in this section, ~~shall mean~~ means any motor vehicle except passenger cars used for towing a trailer or semitrailer.

(4) If any motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration or license fee for the remainder of ~~such~~ the year shall be one-half of the regular fee ~~above-given~~.

(5) When a new plate is issued, an additional fee of $1 per year for each registration of a vehicle shall be added to the registration fee. Revenue from this fee shall be forwarded by the respective county treasurers to the state treasurer for deposit in the motor vehicle recording account of the earmarked revenue fund. ~~Disbursements from the motor vehicle recording account shall be made by warrant drawn by the division~~.

(6) The provisions of this part with respect to the payment of registration fees shall not apply to or be binding upon motor vehicles, trailers or semitrailers, or tractors owned or controlled by the United States of America or any state, county, or city, ~~but in all other respects the provisions of this section shall be applicable to and binding upon motor vehicles, tractors, trailers, and semitrailers~~.

(7) The provisions of this section relating to the payment of registration fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317(1), 61-3-332(7), and or 61-3-335.

~~(8)--All---fees,---other---than--license--fees,--unless otherwise--specifically---provided,---shall---hereafter---be deposited--in,-and-paid-into-the-earmarked-revenue-fund-and shall-be-used-to-pay-all-salaries,-operating--expenses,--and all---other---expenses---of---the--division,--including--the manufacturer-and-delivery-of-license-plates,--Any--reference in--this--code--to--the--motor-vehicle-recording-fund-or-the motor-vehicle-administration-fund-shall-be-taken-to-mean-the motor-vehicle-recording-account--in--the--earmarked--revenue fund."~~

NEW SECTION. Section 34. Disposition of fees -- use. All fees payable to the division shall be deposited in a motor vehicle recording account of the earmarked revenue fund, and shall be used to pay all salaries, operating expenses, and other expenses of the division, including the manufacture and delivery of license plates.

Section 35. Section 61-3-322, MCA, is amended to read:

"61-3-322. Certificates of registration -- issuance. (1) Upon completion of the application for registration, on forms furnished by the division, the county treasurer shall file one copy in his office and issue to the applicant two copies of the application marked "Owner's Certificate of Registration and Tax Receipt", one of which shall be marked "file copy".

(2) The certificate of registration shall contain upon

the face thereof:

(a) the date issued;

(b) the registration number assigned to the owner and the vehicle;

(c) the name and complete address of the owner, or the names and addresses of joint owners;

(d) the name and complete address of any conditional sales vendor, and also the name and address of any other lienor as shown by ~~said~~ the application;

(e) a description of the registered vehicle, including the year built and serial number, if any;

(f) any lien against ~~such~~ the motor vehicle and the amount due at the date of registration; and

(g) ~~such~~ any other statement of facts as may be determined by the division.

(3) Every owner, upon receiving a registration receipt, shall write his signature thereon with pen and ink in the space provided. Every ~~such~~ registration receipt or a notarized photostatic copy ~~thereof~~ or a duplicate thereof furnished by the division shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle, who shall display ~~the same~~ it upon demand of a police officer or any officer or employee of the division or the highway department.

~~(4)--Upon-receipt-of-application-for--registration,--in quintuplet,--and-payment-of-license-fees-and-taxes-as-herein provided,-the-county-treasurer-shall:~~

~~(a)--file-one-copy-of-said-application-in--his--office;~~

~~(b)--issue---to---the---applicant--two--copies--of--the application-entitled-"Owner's--Certificate--of--Registration and--Tax--Receipt"-one-of-which-shall-be-marked-"file-copy";~~ and

~~(c)--forward-one-copy-to-the-county-clerk-and-recorder.~~

~~(5)~~(4) The county treasurer shall daily forward to the division one copy of ~~the-application~~ all applications for registration received that day.

~~(6)~~(5) It shall not be necessary for the county ~~treasurer,-in-said-receipt,~~ to segregate the amount of ~~said~~ taxes for state, county, school district, and municipal purposes in the receipt."

Section 36. Section 61-3-405, MCA, is amended to read:

"61-3-405. Application for personalized plates -- ~~duplication------good--taste.~~ An applicant for ~~issuance-of~~ personalized license plates or renewal of such plates in subsequent years pursuant to 61-3-401 through 61-3-406 shall file an application therefor in ~~such~~ the form and by ~~such~~ the date ~~as the department-may--require~~ division requires, indicating thereon the combination of letters or numbers, or both, requested as a registration number. There shall be no

duplication of registration numbers, and the division may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which ~~would--be~~ are misleading or a duplication of license plates provided for elsewhere in this title."

Section 37. Section 61-3-411, MCA, is amended to read:

"61-3-411. Registration of motor vehicles owned and operated solely as collectors' items. (1) ~~Any~~ An owner of a motor vehicle ~~manufactured---in---1933---or---earlier---or manufactured--in--1934--or-later-and~~ more than 30 years old, used solely as a collectors' item and not for general transportation purposes, may file with the division an application for the registration of ~~such~~ the motor vehicle, stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, the gross weight thereof, the year and number of the model, and the manufacturer's identification number and serial number, and setting forth a specific statement that the vehicle is owned and operated solely as a collectors' item and not for general transportation purposes. ~~Said~~ The application shall be sworn to before an officer authorized to administer oaths.

(2) The registration fee for all such motor vehicles weighing 2,850 pounds or less ~~shall--be~~ is $5, and the

registration fee for all such motor vehicles weighing more than 2,850 pounds ~~shall be~~ is $10.

(3) Upon receipt of ~~said~~ the application for registration and payment of the registration fee, above ~~provided--for~~ the division shall file ~~said~~ the application and register the motor vehicle therein described in the manner specified in 61-3-101, and shall deliver to the applicant:

(a) for motor vehicles manufactured in 1933 or earlier, two license plates bearing the inscription "Pioneer--Montana" and the registration number; or

(b) for motor vehicles manufactured in 1934 or later and more than 30 years old, two license plates bearing the inscription "Vintage--Montana" and the registration number.

(4)The year of issuance shall not be shown on the plates.

~~(4)~~(5) ~~No annual~~ Annual renewal of the registration of any such motor vehicle ~~shall be~~ is not required, and the ~~same--shall--be~~ registration is valid as long as the vehicle is in existence; ~~provided, however,~~ that upon ~~any~~ sale of such motor vehicle, the purchaser ~~shall be~~ is required to renew the registration thereof and pay the license fees hereinbefore specified."

Section 38. Section 61-3-502, MCA, is amended to read:

"61-3-502. Sales tax on new motor vehicles --

exemptions. (1) In consideration of the right to use the highways of the state, there ~~shall be~~ is imposed a tax upon all sales of new motor vehicles for which a license is sought and an original application for title is made. The tax shall be paid by the purchaser when he applies for his original Montana license through the county treasurer.

(2) The sales tax shall be:

(a) 1 1/2% of the ~~F.O.B.~~ f.o.b. factory list price or ~~F.O.B.--port--of--entry~~ f.o.b. port-of-entry list price, during the first quarter of the year or prorated one-twelfth for each month or part of month for a registration period other than a calendar year or calendar quarter;

(b) 1 1/8% of the list price during the second quarter of the year;

(c) 3/4 of 1% during the third quarter of the year;

(d) 3/8 of 1% during the fourth quarter of the year.

(3) If the manufacturer or importer fails to furnish the ~~F.O.B.~~ f.o.b. factory list price or ~~F.O.B.~~-port-of-entry f.o.b. port-of-entry list price, the department division may use published price lists.

(4) The proceeds from this tax shall be remitted to the state treasurer every 30 days for credit to the state highway account of the earmarked revenue fund.

(5) The new vehicle is not subject to any other assessment or taxation during the calendar year in which the

original application for title is made.

(6) (a) The applicant for original registration of any ~~wholly~~ new and unused motor vehicle, or a new motor vehicle furnished without charge by ~~the~~ a dealer to ~~the~~ a school district for use as a traffic education motor vehicle by a school district operating a state-approved traffic education program within the state, whether or not previously licensed or titled to the school district, [except a mobile home as defined in 15-1-101(1)], acquired by original contract after January 1 of any year, ~~shall be~~ is required, whenever ~~such~~ the vehicle has not been otherwise assessed, to pay the motor vehicle sales tax provided by this section irrespective of whether the vehicle was in the state of Montana on January 1 of the year.

(b) No ~~such~~ motor vehicle may be registered or licensed under the provisions of this subsection unless the application for registration is accompanied by a statement of origin to be furnished by the dealer selling the vehicle, showing that the vehicle has not previously been registered or owned, except as otherwise provided herein, by any person, firm, corporation, or association that is not a new motor vehicle dealer holding a franchise or distribution agreement from a new car manufacturer, distributor, or importer.

(7) [(a)] Motor vehicles operating exclusively for

transportation of persons for hire within the limits of incorporated cities or towns and within 15 miles from such limits are exempt from subsection (1).

[(b)] Motor vehicles brought or driven into Montana by a nonresident, migratory, bona fide agricultural worker temporarily employed in agricultural work in this state where those motor vehicles are used exclusively for transportation of agricultural workers are also exempt from subsection (1).

[(c)] Vehicles lawfully displaying a licensed dealer's plate as provided in ~~61-4-102~~ 61-4-103 are exempt from subsection (1) when moving to or from a dealer's place of business when ~~unladen~~ unloaded or ~~laden~~ loaded with dealer's property only, and in the case of vehicles having a gross ~~laden~~ loaded weight of less than 24,000 pounds, while ~~in the process of demonstration~~ being demonstrated in the course of the dealer's business."

Section 39. Section 61-3-503, MCA, is amended to read:

"61-3-503. Assessment. (1) A person who files an application for registration or reregistration of a motor vehicle, except of a mobile home as defined in 15-1-101(1), shall before filing such application with the county treasurer submit the same application to the county assessor ~~of the county~~. The county assessor shall enter on the application in a space to be provided for that purpose the

market value and taxable value of the vehicle for the year for which the application for registration is made.

(2) Except as provided in subsection (3), motor vehicles, except mobile homes as defined in 15-1-101(1), are assessed for taxes on January 1 in each year irrespective of the time fixed by law for the assessment of other classes of personal property and irrespective of whether the levy and tax may be a lien upon real property within the state. In no event may any motor vehicle be subject to assessment, levy, and taxation more than once in each year.

(3) Vehicles subject to the provisions of 61-3-313 through 61-3-316 shall be assessed as of the first day of ~~the-year-in-which~~ the registration period, ~~occurs~~ and a lien for taxes and fees due thereon shall occur on the anniversary date of the registration and shall continue thereafter until such fees and taxes ~~shall~~ have been paid."

Section 40. Section 61-3-505, MCA, is amended to read:

"61-3-505. Payment of taxes ----record. ~~(1)~~ Upon accepting application for registration or reregistration of any motor vehicle which is subject to taxation in this state on January 1 in any year and upon payment of taxes, the county treasurer shall stamp on the application, "taxes on this vehicle due January 1 of current year paid by applicant, prior applicant, or owner, and this vehicle is eligible for registration". Upon accepting application for

registration of any motor vehicle which was not subject to taxation in this state on January 1 in any year, the county treasurer shall indicate the fact by proper entry on the application.

~~(2)--The--division-may-make-proper-entry-of-the-payment of-taxes-in-accord-with-the--facts--on--any--certificate--of title-to-a-motor-vehicle.~~"

Section 41. Section 61-3-508, MCA, is amended to read:

"61-3-508. Junk vehicle disposal fee. A special junk vehicle disposal fee shall be assessed on each new application for a motor vehicle title and on each transfer of a motor vehicle title in the amount of $1.50 on passenger cars and trucks under 8,001 pounds GVW. An additional special junk vehicle disposal fee shall be assessed in the amount of 50 cents on each passenger car and truck under 8,001 pounds GVW registered for licensing. The fees shall be collected by the county treasurer. However, the following are exempt from payment of the fees:

(1) vehicles leased or owned by the state or by a county or municipality;

(2) vehicles used for transportation by nonresident, migratory workers temporarily employed in agricultural work in this state;

(3) vehicles displaying ~~dealers'~~ dealer's license plates, as provided in ~~[53-122]~~ 61-4-103, while owned by a

dealer; and

(4) housetrailers or equipment which ~~are~~ is not self-propelled or which ~~require~~ requires towing upon a highway of this state."

Section 42. Section 61-3-601, MCA, is amended to read:

"61-3-601. Penalty for violations. ~~The~~ Except as otherwise provided, a violation of any of the provisions of ~~61-3-101, 61-3-107, 61-3-201, 61-3-202, 61-3-301, 61-3-302, 61-3-303, 61-3-311, 61-3-312, 61-3-322, 61-3-331, 61-3-332, 61-3-333, 61-3-411, 61-3-421, 61-3-425, 61-3-503, 61-3-504, 61-3-505, or 61-3-509 shall constitute~~ this chapter is a misdemeanor and ~~shall be~~ is punishable by a fine not exceeding $25. Nothing ~~herein contained shall prevent~~ contained herein prevents the prosecution of a person for an offense committed under any other law."

Section 43. Section 61-3-602, MCA, is amended to read:

"61-3-602. Enforcement. It is ~~hereby made~~ mandatory upon all police and peace officers of the state, of the counties of the state, and of towns, cities, and villages to carry out the provisions of this chapter and 61-4-101 through 61-4-105 ~~and the sections listed in 61-3-601~~."

Section 44. Section 61-3-603, MCA, is amended to read:

"61-3-603. Penalty for alteration or forgery of certificate of ~~title~~ ownership or assignment thereof. Any person who ~~shall alter~~ alters or ~~forge~~ forges or cause

causes to be altered or forged any motor vehicle certificate of ~~title~~ ownership or any assignment thereof or who ~~shall hold~~ holds or ~~use~~ uses any such certificate or assignment knowing ~~the same~~ it to have been altered or forged ~~shall be~~ deemed is guilty of a felony, and upon which conviction thereof ~~shall be liable to pay~~ is subject to a fine of not more than $5,000 or to imprisonment in any penal institution within the state for a period of not more than 10 years, or both, in the discretion of the court."

Section 45. Section 61-3-604, MCA, is amended to read:

"61-3-604. Penalty for altering identification number. (1) A person who willfully removes or falsifies an identification number of a motor vehicle or ~~engine for a~~ motor vehicle engine is guilty of a misdemeanor.

(2) Any person or persons, firm, or corporation which ~~shall sell~~ sells or offer offers for sale in this state a vehicle, the original ~~engine~~ vehicle identification number of which has been destroyed, removed, altered, covered, or defaced, with the exception of electrically propelled vehicles, ~~shall be deemed~~ is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $200 or more than $500 and by imprisonment in the county jail for a term of not less than 30 days or more than 180 days. ~~and upon~~ Upon a second or subsequent conviction under this subsection, the punishment shall be imprisonment

in the state prison for a term of not less than 1 year or more than 5 years."

Section 46. Section 61-3-701, MCA, is amended to read:

"61-3-701. Foreign vehicles used in gainful occupation to be registered -- reciprocity. (1) Before any foreign licensed motor vehicle ~~shall~~ may be operated on the highways of this state for hire, compensation, or profit, or before the owner and/or user thereof uses the vehicle if such owner and/or user is engaged in gainful occupation or business enterprise, in the state, including highway work, the owner of ~~such~~ the vehicle shall make application to a county treasurer for registration, upon an application form furnished by the division. Upon satisfactory evidence of ownership submitted to ~~such~~ the county treasurer and the payment of property taxes as ~~is~~ required by 15-8-201 through 15-8-203 or 15-24-301, the treasurer shall accept the application for registration and shall collect the regular license fee required for the vehicle.

(2) The treasurer shall thereupon issue to the applicant a copy of the application entitled "Owner's Certificate of Registration and Tax Receipt" and forward a duplicate copy of certificate ~~of--registration~~ to the division. The treasurer shall at the same time issue to the applicant the proper license plates or other identification markers, which shall at all times be displayed upon ~~such~~ the

vehicle when operated or driven upon roads and highways of this state during the period of the life of ~~such~~ the license.

(3) The registration receipt shall not constitute evidence of ownership, but shall ~~only~~ be used only for registration purposes. No Montana certificate of ~~title~~ ownership shall be issued for this type of registration.

(4) This section ~~shall~~ is not be applicable to any vehicle covered by a valid and existing reciprocal agreement or declaration entered into under the provisions of the laws of Montana."

Section 47. Section 61-4-101, MCA, is amended to read:

"61-4-101. Application for dealer's license. (1) Every person, firm, corporation, or association who ~~which~~, for commission or profit, engages in the business of buying, selling, exchanging, or acting as a broker of new motor vehicles, used motor vehicles, trailers, (except trailers having an ~~unladen~~ unloaded weight of less than 500 pounds), semitrailers, or special mobile equipment as defined in 61-1-104 ~~and--qualifies--under--[subparagraph--(f)]--of--this~~ section shall ~~cause--to--be--filed~~ file, by mail or otherwise, in the office of the division, a verified application for ~~licensing~~ licensure as a dealer, on a blank to be furnished by the division for that purpose, and containing the information ~~therein~~ required. The application and all of the

information ~~therein~~ contained in it shall be verified by the Montana highway patrol. Each application must be accompanied by the license fee hereinafter ~~named~~ specified. ~~Dealer's~~ A dealer's license must be renewed and paid for annually, and an application for ~~relicensing~~ relicensure must be filed not later than January 1 of each year.

(2) To qualify for ~~licensing~~ licensure and the issuance and use of "D", "UD", "DTR", or "MCD" plates, as hereinafter provided, the applicant must furnish the following information and qualify under the following provisions:

(a) To qualify as a new motor vehicle dealer and for the use of "D" plates, the applicant must:

(i) state the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock of motor vehicles is displayed;

(ii) state the name and address of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary thereof are sufficient;

(iii) state the name and make of all motor vehicles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written new motor vehicle franchise or sales agreement;

(iv) execute a certificate to the effect that the applicant has a permanent building for the display and sale of new motor vehicles at the location of the premises where sales are conducted;

(v) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of motor vehicles; and

(vi) execute a certificate to the effect that the applicant is a bona fide dealer in new motor vehicles and that he is recognized by a manufacturer, importer, or distributor as a dealer in new motor vehicles.

(b) To qualify as a used motor vehicle dealer and for the use of "UD" plates, or as a trailer, semitrailer, or special mobile equipment dealer and for the use of "DTR" plates, or as a motorcycle dealer and for the use of "MCD" plates, the applicant must, in addition to the matters set forth in subsections (i) and (ii) of subsection (2)(a) above, provide:

(i) a statement that the applicant has a building or lot and a sign readable at a minimum distance of 150 feet and indicating the firm name and headquarters as the principal place of business; and

(ii) a certificate to the effect that the applicant is a bona fide dealer in used motor vehicles, trailers, semitrailers, special mobile equipment, or motorcycles.

(c) To qualify for a used motor vehicle ~~dealer~~ dealer's license, a person must submit an annual application for that license and comply with the provisions of 61-4-102(5) in addition to fulfilling the requirements of subsection (2)(b) above.

(d) The provisions of subsection (2)(c) above do not apply to an applicant who is licensed as a motor vehicle wrecking facility under the provisions of Title 75, chapter 10, part 5.

(3) The applicant for a dealer's license shall also file with his application a good and sufficient bond in the sum of $5,000, and the bond shall be conditioned that the applicant shall conduct his business in accordance with the requirements of the law. All bonds shall run to the state of Montana and shall be approved by the division and filed in its office and shall be renewed annually."

Section 48. Section 61-4-104, MCA, is amended to read:

"61-4-104. Record of purchase ~~or~~ sale. Every dealer licensed under 61-4-101 shall keep a book or record of the ~~purchase--sale~~ purchases, sales or exchange exchanges, or ~~receipt~~ receipts for the purpose of sale, of ~~any~~ used ~~vehicle~~ vehicles and a description of such vehicles, together with the name and address of the seller, of the purchaser, and of the alleged owner or other person from whom ~~such~~ each vehicle was purchased or received, or to whom

it was sold or delivered, as the case may be. ~~Such~~ The description in the case of motor vehicles shall also include the engine number, if any, the maker's number, if any, chassis number, if any, and such other numbers or identification marks as ~~may--be~~ appear thereon and shall include a statement that a number has been obliterated, defaced, or changed if such is the fact. In the case of a trailer, semitrailer, or special mobile equipment, the record shall include the manufacturer's number and such other numbers or identification marks as ~~may--be~~ appear thereon. He The dealer shall also have in his possession a duly assigned certificate of ~~title~~ ownership from the owner of ~~said~~ the motor vehicle ~~in-accordance-with-the-provisions-of-[another-section-of-this-act]~~, from the time when the motor vehicle is delivered to him until it has been disposed of by him."

Section 49. Section 61-4-113, MCA, is amended to read:

"61-4-113. New motor vehicles towed into state to be labeled. (1) Any firm, person, corporation, or association ~~of--persons~~ or any ~~employee-of-such-or-any-of-such~~ of their employees offering for sale or carrying on the business of selling new motor vehicles in the state of Montana shall be required to prominently label any motor vehicle which has been driven under its own power, pushed, towed, or propelled by any other means to sufficiently identify it from other

new vehicles that have not been so driven, pushed, or towed and shall be required to furnish the purchaser of any such motor vehicle with a certificate, on a printed form to be furnished by the ~~[registrars of motor vehicles]~~, division upon request by such dealers, showing the actual number of miles such the motor vehicle has been driven under its own power and the number of miles such the vehicle has been pushed, towed, or otherwise propelled upon its own wheels. Any firm, person, corporation, or association ~~of persons~~ or ~~employee of such or any of such~~ any of their employees who fails to so prominently label and issue such the certificate or who knowingly issues a certificate that is untrue and calculated to mislead the purchaser ~~shall be~~ is guilty of a misdemeanor.

(2) The provisions of this section ~~shall not~~ do not apply to motor vehicles during the period ~~or~~ of time that such motor vehicles are used for bona fide demonstrating purposes."

Section 50. Section 61-4-114, MCA, is amended to read:

"61-4-114. Demonstration of trucks and trailers authorized -- dealer's plate to be used -- exemptions. (1) A new or used truck or trailer dealer licensed under 61-4-101 through 61-4-106 may not demonstrate to a prospective purchaser a truck, truck tractor, trailer, or semitrailer owned by or consigned to the dealer, or otherwise controlled

by the dealer, without securing a demonstration permit and paying the ~~fees~~ fee required in 61-4-115. The vehicle must display the dealer's registration plate or other current Montana registration and the demonstration permit.

(2) Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or towns and within 15 miles from such limits are exempt from subsection (1). Motor vehicles brought or driven into Montana by a nonresident, migratory, bona fide agricultural worker temporarily employed in agricultural work in this state where those motor vehicles are used exclusively for transportation of agricultural workers are also exempt from subsection (1). Vehicles lawfully displaying a licensed dealer's plate as provided in ~~[61-4-102]~~ 61-4-103 are exempt from subsection (1) when moving to or from a dealer's place of business when ~~unladen~~ unloaded or ~~laden~~ loaded with dealer's property only, and in the case of vehicles having a gross ~~laden~~ loaded weight of less than 24,000 pounds, while ~~in the process of demonstration~~ being demonstrated in the course of the dealer's business."

Section 51. Section 61-4-305, MCA, is amended to read:

"61-4-305. ~~Fees provided to be~~ Driveaway or towaway fees in lieu of other fees payable -- election to pay other fees. The fees provided for driveaway or towaway

transporters are ~~declared--to--be~~ in consideration of the right to use the highways of the state, and ~~except as provided in 61-4-304~~ are in lieu of all other fees including those which might be payable under the provisions of part 2 of chapter 10. However, any operator may elect to pay the fees payable under the provisions of that part."

Section 52. Section 61-4-403, MCA, is amended to read:

"61-4-403. Certain financing agreements prohibited. It ~~shall--be~~ is unlawful for any manufacturer or wholesale distributor of motor vehicles to sell or enter into a contract for the sale of motor vehicles to any motor vehicle dealer on the condition or under an agreement, expressed or implied, that ~~such~~ the dealer ~~shall~~ will finance the purchase or sale of any motor vehicle or vehicles only through a designated finance company or finance agency. Any such condition, agreement, or understanding is ~~hereby declared-to-be~~ against the public policy of the state, and such condition, agreement, or understanding ~~shall-be~~ is unlawful, void, and unenforceable, either ~~as~~ at law or equity."

Section 53. Section 61-5-101, MCA, is amended to read:

"61-5-101. Drivers' examination section of division of motor vehicles. (1) There is ~~hereby--created~~ a drivers' examination section of the division of motor vehicles, ~~under the-direct-control-and--supervision--of--the--division~~. The

~~division~~ section shall maintain a permanent place of business at the state capital ~~and-shall-meet-at--least--once each-month-for-the-purpose-of-transacting-business-either-as the--drivers'--examining-board,-the-division,-or-jointly-for the-two~~. The division administrator shall select a chief examiner, deputy chief examiner, and as many assistant chief examiners and examiners as it ~~deems~~ considers necessary and shall provide for the necessary clerical help.

(2) The chief examiner, deputy chief examiner, assistant chief examiners, and all examiners shall have the same qualifications as are required for members of the Montana highway patrol. The chief examiner shall rank as a captain, the deputy chief examiner as a lieutenant, the assistant chief examiners ~~shall-rank~~ as sergeants, and the examiners ~~shall-rank~~ as patrolmen."

Section 54. Section 61-5-103, MCA, is amended to read:

"61-5-103. Residency requirement. Any person who has resided in this state for a period exceeding 90 days is considered to be a resident for the purpose of being licensed to ~~drive~~ operate a motor vehicle and must thereafter be licensed ~~to-drive~~ under the laws of this state before operating a motor ~~vehicles-under--the--laws--of--this state~~ vehicle."

Section 55. Section 61-5-111, MCA, is amended to read:

"61-5-111. Licenses issued to operators and chauffeurs

-- renewals and expiration thereof -- fees -- disposition. (1) The division shall have authority to appoint county treasurers and other qualified officers to act as its agents for the sale of ~~drivers'~~ driver's licenses, and shall make necessary rules governing such sales. The division, upon receipt of payment of the fees specified in this section, ~~(of which sum 5% shall be retained by the county treasurers for use of the county general fund)~~ shall issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for. Such licenses shall contain a photograph of ~~such~~ the licensee in ~~such~~ the size and form as ~~may be~~ prescribed by the division, a distinguishing number issued to the licensee; the full name, date of birth, ~~resident~~ residence address, and a brief description of the licensee; and either a facsimile of the signature of the licensee or a space upon which he shall write his signature in pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(2) The division shall, when any person applies for renewal of an operator's or chauffeur's license, test the applicant's eyesight, and may also in the division's discretion have ~~such~~ the applicant demonstrate his physical ability to operate and to exercise ordinary and reasonable care in the operation of a motor vehicle. A person shall be

deemed considered to have applied for renewal of a Montana operator's or chauffeur's license if ~~such~~ the application is made within 3 months of the expiration of ~~such~~ his license.

(3) Licenses ~~issued~~ shall expire on the anniversary of the date of birth of the licensee 4 years or less after the date of issue.

(4) Whenever the division issues an original license to a person under the age of 18 years, ~~such~~ the license shall be designated and clearly marked as a "provisional license". Any license so designated and marked may be suspended by the division for a period of not more than 12 months, when its ~~record discloses~~ records disclose that the licensee, subsequent to the issuance of such license, has been guilty of careless or negligent driving. Upon renewal as applicable to operator's licenses, the division may, for any reasonable cause, as shown by its records, designate the renewal of the license as provisional; otherwise, a license in usual form shall be issued subject to other provisions of the laws of Montana.

(5) It shall be unlawful for any person to have in his possession or under his control more than one Montana operator's or chauffeur's license at any one time. ~~Licenses shall~~ A license is not be valid for the operation of a motorcycle until the holder thereof has completed the requirements of 61-5-110 and the license has been clearly

marked with the words "motorcycle endorsement".

(6) Fees for ~~drivers'~~ driver's licenses shall be as follows:

(a) driver's license -- $2 per year or fraction thereof;

(b) motorcycle endorsement -- 50 cents per year or fraction thereof.

(7) The county treasurer or other agent of the division collecting such fees shall retain 5% of each fee for the use of the county general fund and shall transmit the remainder to the state treasurer, who shall deposit to the credit of the state general fund all ~~moneys~~ money received by him from the collection of ~~motor-vehicle driver's license~~ the fees."

Section 56. Section 61-5-112, MCA, is amended to read:

"61-5-112. Classification of chauffeurs -- special restrictions. (1) The division upon issuing a chauffeur's license shall indicate thereon the class of license so issued and shall appropriately examine each applicant according to the class of license applied for and may impose such rules for the exercise thereof as it ~~may deem~~ considers necessary for the safety and welfare of the traveling public.

(2) No person ~~who is under the age of 18 years shall~~ may drive any school bus transporting school children or any

motor vehicle when in use for the transportation of persons for compensation ~~or in either event~~ until he has been licensed as a chauffeur for either such purpose and the license so indicates. The division ~~shall~~ may not issue a chauffeur's license for either such purpose unless the applicant has had at least 1 year of driving experience prior thereto and the division is fully satisfied as to the applicant's competency and fitness to be employed."

Section 57. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation. (1) The division may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than 1 year, except as permitted under 61-5-207, 61-5-212, ~~61-6-122~~ 61-6-123, and 61-11-211.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked ~~shall~~ is not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the period of such revocation or suspension, such the person may make application for a new license as provided by law, but the division may not then issue a new license unless and until it is satisfied after investigation of character, habits, and driving ability of such the person that it ~~will~~ be is safe to grant the privilege of driving a

motor vehicle on the public highways. ~~Provided,--however,~~ ~~when~~ When any person is convicted or forfeits bail or collateral not vacated for the offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or a narcotic drug, or knowingly or willingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle or a combination thereof, the division shall, upon receiving a report of such conviction or forfeiture of bail or collateral not vacated, suspend the license or driving privilege of ~~such~~ the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the division shall revoke the license or driving privilege of ~~such~~ the person for a period of 1 year.

(3) The ~~revocation~~ period for all revocations made mandatory by 61-5-205 shall be 1 year except as provided in subsection (2) of this section.

(4) The period of revocation for any person convicted of any offense which makes mandatory the revocation of the operator's or chauffeur's license ~~shall commence~~ commences from date of conviction or forfeiture of bail."

Section 58. Section 61-5-302, MCA, is amended to read:

"61-5-302. Unlawful use of license. It is a

misdemeanor for any person to:

(1) display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or altered operator's or chauffeur's license;

(2) lend his operator's or chauffeur's license to any other person or knowingly permit ~~the~~ its use thereof by another;

(3) display or represent as one's own any operator's or chauffeur's license not issued to him;

(4) fail or refuse to surrender to the division upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked, or canceled;

(5) use a false or fictitious name in any application for an operator's or chauffeur's license or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application; or

(6) permit any unlawful use of an operator's or chauffeur's license issued to him; ~~or~~

~~(7) do any act forbidden or fail to perform any act required by parts 1 through 3 of this chapter and 61-11-101.~~"

Section 59. Section 61-5-303, MCA, is amended to read:

"61-5-303. Making false affidavit perjury -- penalty. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by

the terms of parts 1 through 3 of this chapter to be sworn to or affirmed, is guilty of perjury false swearing and upon conviction shall be punishable ~~by fine or imprisonment as other persons committing perjury are punishable~~ as provided by 45-7-202."

Section 60. Section 61-6-102, MCA, is amended to read:

"61-6-102. Definitions. The following words and phrases, when used in this part, ~~shall, for the purposes of this part,~~ have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) "Judgment" means any judgment that ~~shall have~~ has become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(2) "License" means any license, temporary instruction permit, or temporary license issued under the laws of this

state pertaining to the licensing of persons to operate motor vehicles.

(3) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state.

(4) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance, or use of a motor vehicle, ~~in the amount of $10,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, in the amount of $20,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of $5,000 because of injury to or destruction of property of others in any one accident.~~

(5) "State" means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada."

Section 61. Section 61-6-105, MCA, is amended to read:

"61-6-105. Division to administer law and make rules. ~~(1)~~ The division shall administer and enforce the provisions of this part and may make rules necessary for its administration and may provide for hearings upon request of

persons aggrieved by orders or acts of the division under the provisions of this part.

~~(2)--An-executive-assistant-to-the-chief-shall-be appointed-by-the-division-subject-to-and-in-accordance-with [3i-i05-and-3i-i06]-who-shall-be-vested-with-full-power-and authority-to-act-for-and-on-behalf-of-the-chief-in-the administration-of-this-part--and-who-shall-perform-such other-and-further-duties-as-shall-be-prescribed-by-the division.-The-salary-of-the-executive-assistant-shall-be-the same-as-that-of-a-captain.~~"

Section 62. Section 61-6-124, MCA, is amended to read:

"61-6-124. Satisfaction of judgments. (1) Judgments herein referred to shall, for the purposes of this part only, be deemed considered satisfied:

(a) when ~~$10,000~~ $25,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(b) when, subject to ~~such~~ the limit of ~~$10,000~~ $25,000 because of bodily injury to or death of one person, the sum of ~~$20,000~~ $50,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) when $5,000 has been credited upon any judgment or

judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(2) Payments made in settlement of any claims because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section."

Section 63. Section 61-6-137, MCA, is amended to read:

"61-6-137. Bond as proof of responsibility. (1) Proof of financial responsibility may be furnished by filing with the division the bond of a surety company duly authorized to transact business in the state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of such bond, which real estate shall be scheduled in the bond approved by a judge of a court of record. ~~Such~~ The bond shall be conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy, and shall not be cancelable except after 10 days' written notice to the division. Upon the filing of notice to ~~such~~ this effect by the division in the office of the county clerk and recorder of the county wherein such real estate ~~shall be~~ is located, ~~such~~ the bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien

shall exist in favor of any holder of a judgment against the person who has filed ~~such~~ the bond.

(2) The person in whose favor ~~said~~ the lien ~~shall exist~~ exists may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing ~~such~~ the bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of any person who has executed such bond. The provisions of the ~~code~~ Montana Rules of ~~civil procedure~~ Civil Procedure, except insofar as ~~the same~~ they are inconsistent with the provisions of this part, are applicable to and constitute the rules of practice in the foreclosure actions or proceedings. The provisions of the ~~code~~ Montana Rules of ~~civil procedure~~ Civil Procedure relative to new trials and appeals, except insofar as ~~the same~~ they are inconsistent with the provisions of this part, apply to ~~said~~ the actions or proceedings."

Section 64. Section 61-7-109, MCA, is amended to read:

"61-7-109. Written reports of accidents -- additional information -- form of report. (1) The operator of any motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person in excess of $250 is sustained, shall, within 10 days after such accident, report the matter in writing to the division.

(2) The division may require any driver of a vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report is insufficient, and may require witnesses of accidents to render reports.

(3) Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident, of which report must be made as required in this part, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall within 10 days after completing ~~such~~ the investigation forward a written report of ~~such~~ the accident to the division.

(4) The form of the accident report required under this section shall contain information sufficient to enable the ~~department~~ division to determine whether the requirements for the deposit of security for safety responsibility are inapplicable by reason of the existence of insurance or other exemptions specified in this part."

Section 65. Section 61-8-101, MCA, is amended to read:

"61-8-101. Application -- exceptions. (1) The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(a) where a different place is specifically referred

to in a given section;

(b) the provisions of 61-8-301 and 61-8-401, ~~with regard to operating a vehicle while under the influence of drugs,~~ shall apply upon highways and elsewhere throughout the state.

(2) The operation of motor vehicles directly across the public roads and highways of this state, especially as required in the transportation of natural resource products, including agricultural products and livestock, shall not be considered to be the operation of such vehicles on the public roads and highways of this state, provided that such crossings are adequately marked with ~~such~~ warning signs or devices, ~~and~~ Such crossings are subject to provisions relating to stopping before entry, and to restoration of any damage, as may reasonably be prescribed by the state or local agency in control of safety of operation of the public highway involved."

Section 66. Section 61-8-304, MCA, is amended to read:

"61-8-304. Declaration of speed limits -- exception to the basic rule. The attorney general shall declare by proclamation filed with the secretary of state a speed limit for all motor vehicles on all public streets and highways in the state whenever the establishment of such a speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds

authorized by the Federal Aid Highway Act of 1973 and all acts amendatory thereto or any other federal statute. ~~Such~~ The speed limit may not be less than that required by federal law, and the attorney general shall by further proclamation change the speed limit adopted pursuant to this section to comply with federal law. Any proclamation issued pursuant to this section becomes effective at midnight of the day upon which it is filed with the secretary of state. A speed limit imposed pursuant to this section is an exception to the ~~basic rule~~ requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312."

Section 67. Section 61-8-322, MCA, is amended to read:

"61-8-322. Passing vehicles proceeding in opposite directions. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at ~~least as nearly as possible~~ AT LEAST one-half of the main-traveled portion of the roadway ~~as nearly as possible~~."

Section 68. Section 61-8-339, MCA, is amended to read:

"61-8-339. Vehicle approaching or entering intersection. (1) When two vehicles enter or approach an intersection from different highways at approximately the

same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(2) The right-of-way rule declared in subsection (1) is modified at through highways and otherwise as hereinafter stated in this ~~[article]~~ chapter."

Section 69. Section 61-8-401, MCA, is amended to read:

"61-8-401. Persons under the influence of alcohol or drugs. (1) It is unlawful and punishable as provided in 61-8-714(1) for any person who is under the influence of~~:~~ ~~alcohol-or-any-narcotic-drug-or-any-other-drug-to--a--degree which--renders--him--incapable--of--safely--driving--a-motor vehicle-to-drive-or-be-in-actual-physical-control-of-a-motor vehicle-within-this-state.~~

~~(a) alcohol to drive or be in actual physical control of a motor vehicle upon the highways of this state;~~

~~(b) a narcotic drug to drive or be in actual physical control of a motor vehicle within this state; or~~

~~(c) any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive or be in actual physical control of a motor vehicle within this state.~~

~~(2)~~ The fact that any person charged with a violation of this subsection ~~(1)~~ is or has been entitled to use such a drug under the laws of this state does not constitute a defense against any charge of violating this subsection ~~(1)~~.

~~(2)~~(3) In any criminal prosecution for a violation of subsection (1) of this section relating to driving a vehicle while under the influence of alcohol, the amount of alcohol in the defendant's blood at the time alleged, as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance, shall give rise to the following presumptions:

(a) If there was at that time 0.05% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of alcohol.

(b) If there was at that time in excess of 0.05% but less than 0.10% by weight of alcohol in the defendant's blood, such ~~that~~ fact shall not give rise to any presumption that the defendant was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(c) If there was at that time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of alcohol.

~~(3)~~(4) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood.~~,~~

~~(4)~~(5) Each municipality in this state is given authority to enact 61-8-714 and subsections (1) through ~~(3)~~

[4] of this section, with the word "state" in ~~the first sentence of~~ subsection (1) of this section changed to read "municipality", as an ordinance and is given jurisdiction of the enforcement of the ordinance and of the imposition of the fines and penalties therein provided."

Section 70. Section 61-8-711, MCA, is amended to read:

"61-8-711. Violation of chapter -- penalty. (1) It is a misdemeanor for any person to violate any of the provisions of this ~~act~~ chapter unless ~~such~~ the violation is declared to be a felony by this chapter or other law of this state ~~declared to be a felony~~.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than $10 or more than $100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter, ~~such~~ the person shall be punished by a fine of not less than $25 or more than $200 or by imprisonment for not more than 20 days or by both such fine and imprisonment. Upon a third or subsequent conviction within 1 year after the first conviction, ~~such~~ the person shall be punished by a fine of not less than $50 or more than $500 or by imprisonment for not more than 6 months or by both ~~such~~ fine and imprisonment.

(3) On failure of payment of ~~fines~~ a fine, the offender in ~~cases~~ case of a misdemeanor shall be imprisoned in the county jail in the county in which the offense ~~has~~ been was committed, and ~~said~~ the imprisonment shall be computed upon the basis of one day's incarceration for each $2 of ~~said~~ the fine ~~for each day's incarceration~~.

(4) Upon conviction, the court costs, or any part thereof, may ~~also~~ be assessed against the defendant in the discretion of the court."

Section 71. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined $5, and no jail sentence may be imposed. Bond for this offense shall be $5.

(2) For the purpose of this section only, the fees of the ~~justice~~ justice's court shall be ~~$4 to~~ the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3)."

Section 72. Section 61-9-315, MCA, is amended to read:

"61-9-315. Brakes on motor-driven cycles. (1) The division is authorized to require an inspection of the brake on any motor-driven cycle and to disapprove any ~~such~~ brake which it finds will not comply with the performance ability

standard set forth in ~~[32-21-143]~~ this part or which in its opinion is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(2) The division may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when it has been determined that the brakes brake thereon do does not comply with the provisions of this section.

(3) No person ~~shall~~ may operate on any highway any vehicle referred to in this section ~~in the event~~ if the division has disapproved the brake equipment upon such vehicle or type of vehicle."

Section 73. Section 61-9-503, MCA, is amended to read:

"61-9-503. Owners and drivers to comply with inspection laws. (1) No person driving a vehicle ~~shall~~ may refuse to submit ~~such~~ the vehicle to an inspection and test when required to do so by the division or an authorized officer or employee of the ~~department~~ division.

(2) Every owner or driver, upon receiving a notice as provided in 61-9-501, shall comply therewith and shall within 5 days have the deficiencies corrected and ~~shall~~ forward notification of ~~such~~ the correction to the division. In lieu of compliance with this subsection, the vehicle ~~shall~~ may not be operated, except as provided in subsection (3).

(3) No person ~~shall~~ may operate any vehicle after receiving a notice with reference thereto as above provided, except as may be necessary to return ~~such~~ the vehicle to the residence or place of business of the owner or driver, if within a distance of 20 miles, or to a garage until ~~said~~ the vehicle and its equipment ~~has~~ have been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter."

Section 74. Section 61-10-102, MCA, is amended to read:

"61-10-102. Width. (1) A No vehicle, including a bus, unladen unloaded or with load, may not have a total outside width in excess of 102 inches, ~~except buses which may have a total outside width not to exceed 102 inches.~~ This bus width for buses is allowed only on paved highways 20 feet or more in width.

(2) This restriction does not apply to an implement of husbandry or a vehicle used for hauling hay, moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles, if the movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle used for hauling hay. If the implement ~~of husbandry~~ or the vehicle ~~used for hauling hay~~ has a width in excess of 12 feet, it shall be preceded by ~~flagmen~~ flagman escorts for the purpose of

warning other highway users. This restriction does not apply to ~~dual-wheel~~ dual-wheel tractors under 15 feet overall width which are used in farming operations. The rear of ~~such~~ an ~~the~~ implement of husbandry or vehicle used for hauling hay shall properly display lights which meet ~~the~~ standard requirements ~~in~~ of 61-9-219. However, if the highway passes through a hazardous area, ~~such~~ the implements ~~of--husbandry~~ or vehicles ~~used--for--hauling--hay~~ must be preceded and followed by ~~flagmen~~ flagman escorts.

~~(3)--The--maximum--width--of--any--vehicle--engaged--in transporting--logs--unladen--or--with--load--shall--not--exceed--a width-of-96-inches-unless-permits-for-excess-width-have-been granted-by-virtue-of-[32-1127].~~"

Section 75. Section 61-10-109, MCA, is amended to read:

"61-10-109. Operation without special permits ~~prohibited~~. The operation of vehicles or combinations of vehicles having ~~dimensions--or~~ weights in excess of the maximum limits specified in ~~61-10-101--through--61-10-108~~ 61-10-105 is permitted only if authorized by special permit issued ~~under 61-10-107~~ by the department of highways or its agents or the highway patrol."

Section 76. Section 61-10-121, MCA, is amended to read:

"61-10-121. Permits for excess size and weight. (1)

The department of highways and local authorities in their respective jurisdictions may in their discretion, upon application in writing and with good cause shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle, combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum specified in 61-10-101 through 61-10-110 upon a highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. However, only the department has the discretion to issue permits for movement of a vehicle or combination of vehicles carrying built-up or reducible loads in excess of 9 feet in width or exceeding the length, height, or weight specified in 61-10-101 through 61-10-110. This permit shall be issued in the public interest. A carrier receiving this permit must have public liability and property damage insurance for the protection of the traveling public as a whole. A permit may not be issued for a period of time greater than the ~~license~~ period for which the GVW license is valid as provided in this title, including grace periods allowed by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit. The department may issue oversize permits to dealers in implements of husbandry

and self-propelled machinery, which may be transferred from unit to unit by the dealer, for the ~~fees~~ fee set forth in 61-10-124. These oversize permits expire on December 31 of each year, with no grace period. For the purposes of this section, a dealer in implements of husbandry or self-propelled machinery must be a resident of the state. A post-office box number is not a permanent address under this section.

(2) The applicant for a special permit shall specifically describe the powered vehicle or towing vehicle and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to be operated or moved and the particular state highways over which the vehicle, combination of vehicles, load, object, or other thing is to be moved and whether the permit is required for a single trip or for continuous operation."

Section 77. Section 61-10-124, MCA, is amended to read:

"61-10-124. Special permits -- fee. (1) In addition to the regular ~~license~~ registration and gross vehicle weight fees, a fee of $6 for each permit issued in excess of the size and weight specified in 61-10-101 through 61-10-110 shall be paid for all movements under special permits on the public highways under the jurisdiction of the department.

(2) Term or blanket permits may not be issued for an

overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 85 feet; and an overheight vehicle, combination of vehicles, load, or other thing in excess of 13 1/2 feet, or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits.

(3) ~~A fee of $6 shall be paid for each overweight permit issued, but a~~ A permit may not be issued for a period of time greater than the ~~license~~ period for which the GVW license is valid as provided in this title, including grace periods allowed by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit."

Section 78. Section 61-10-145, MCA, is amended to read:

"61-10-145. Penalties -- disposition of fines. (1) A person, firm, or corporation convicted of violating 61-10-101 through 61-10-110 ~~[except 61-10-102(3) which is punishable under 61-9-511]~~ shall be punished by a fine of not less than $15 or more than $50 or by imprisonment in the county or municipal jail for not less than 5 days or more

than 25 days. ~~In addition,~~ A person, firm, or corporation convicted of operating a motor vehicle upon the public highways of this state with weight upon a wheel, axle, or group of axles ~~or upon more than one of them~~ greater than the maximum permitted by 61-10-101 through 61-10-110, shall be fined, in addition to other penalties provided by law for the offense, the following amounts:

(a) $15 for any excess weight up to and including 2,000 pounds;

(b) $25 for any excess weight more than 2,000 pounds and less than 4,001 pounds;

(c) $35 for any excess weight more than 4,000 pounds and less than 6,001 pounds;

(d) $50 for any excess weight more than 6,000 pounds and less than 8,001 pounds;

(e) $80 for any excess weight more than 8,000 pounds and less than 10,001 pounds;

(f) $110 for any excess weight more than 10,000 pounds and less than 12,001 pounds;

(g) $150 for any excess weight more than 12,000 pounds and less than 14,001 pounds;

(h) $200 for any excess weight more than 14,000 pounds and less than 16,001 pounds;

(i) $250 for any excess weight more than 16,000 pounds and less than 18,001 pounds;

(j) $300 for any excess weight more than 18,000 pounds and less than 20,001 pounds;

(k) $500 for any excess weight more than 20,000 pounds and less than 25,001 pounds;

(l) $1,000 for any excess weight more than 25,000 pounds.

(2) A complaint filed and a summons or notice to appear issued pertaining to a violation of the gross weight regulations in 61-10-101 through 61-10-110 shall specify the amount of the overweight which the defendant is alleged to have had upon the vehicle or combination of vehicles.

(3) All fines and forfeitures shall be remitted monthly by the county treasurer to the state treasurer for deposit in the state general fund."

Section 79. Section 61-10-146, MCA, is amended to read:

"61-10-146. Special permits -- ~~penalty----for~~ misrepresentations and violations as misdemeanor. A person who knowingly and willfully misrepresents the size or weight of a vehicle, combination of vehicles, load, object, or other thing in obtaining a special permit or who does not follow the requirements and conditions of the special permit or who operates a vehicle, combination of vehicles, load, object, or other thing, the gross size or weight of which ~~is in excess of the maximum for which that vehicle, combination~~

~~of vehicles, load, object, or other thing may be eligible for license~~ requires a special permit without first obtaining a special permit is guilty of a misdemeanor."

Section 80. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines. ~~Any and all~~ Except as provided in 61-12-701, fines collected ~~for the violation of any of the provisions of this [act]~~ under 61-10-146 or 61-10-147 ~~shall~~ belong to the general road fund of the county, and shall, immediately after their collection, be paid over by the court or magistrate collecting ~~the same~~ them to the county treasurer for the use and benefit of that fund, except for that portion of the fines ~~as provided for in 20-7-504~~ otherwise allocated by law which the county treasurer shall transmit to the state treasurer ~~and by him~~ credited who shall credit them to the ~~automobile driver~~ education appropriate account in the earmarked revenue fund."

Section 81. Section 61-10-201, MCA, is amended to read:

"61-10-201. Gross weight fees on motortrucks and truck tractors. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each ~~motortruck~~ truck and truck tractor, based upon the maximum gross loaded weight thereof as set by the licensee

in his application, the following fees:

Schedule I

Up to 6,000 lbs.	$ 7.50
6,001 ~~lbs or more and less than~~ through 8,000 lbs.	12.50
8,001 ~~lbs or more and less than~~ through 10,000 lbs.	17.50
10,001 ~~lbs or more and less than~~ through 12,000 lbs.	20.00
12,001 ~~lbs or more and less than~~ through 14,000 lbs.	22.50
14,001 ~~lbs or more and less than~~ through 16,000 lbs.	27.50
16,001 ~~lbs or more and less than~~ through 18,000 lbs.	37.50
18,001 ~~lbs or more and less than~~ through 20,000 lbs.	50.00
20,001 ~~lbs or more and less than~~ through 22,000 lbs.	62.50
22,001 ~~lbs or more and less than~~ through 24,000 lbs.	93.75
24,001 ~~lbs or more and less than~~ through 26,000 lbs.	125.00
26,001 ~~lbs or more and less than~~ through 28,000 lbs.	156.25
28,001 ~~lbs or more and less than~~ through 30,000 lbs.	

30,001 ~~lbs. or more, and less than~~ through 32,000 lbs.	206.25
32,001 ~~lbs. or more, and less than~~ through 34,000 lbs.	262.50
34,001 ~~lbs. or more, and less than~~ through 36,000 lbs.	318.75
36,001 ~~lbs. or more, and less than~~ through 38,000 lbs.	375.00
38,001 ~~lbs. or more, and less than~~ through 40,000 lbs.	431.25
40,001 ~~lbs. or more, and less than~~ through 42,000 lbs.	487.50
Over 42,000 lbs. and within the weight limits specified in 61-10-101 through 61-10-110	543.75
	62.50 per ton or fraction thereof."

Section 82. Section 61-10-202, MCA, is amended to read:

"61-10-202. Gross weight fees on trailers and semitrailers. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each trailer and semitrailer, based upon the maximum gross loaded weight thereof as set by the licensee in his application, except as otherwise provided, the following fees:

Schedule II

Trailers Other Than Housetrailers.

Up to 2,500 lbs. for personal use--	Exempt
Up to 2,500 lbs. for commercial use	$ 3.75
2,501 ~~lbs. or more, and less than~~ through 6,000 lbs.	5.00
6,001 ~~lbs. or more, and less than~~ through 8,000 lbs.	15.00
8,001 ~~lbs. or more, and less than~~ through 10,000 lbs.	17.50
10,001 ~~lbs. or more, and less than~~ through 12,000 lbs.	20.00
12,001 ~~lbs. or more, and less than~~ through 14,000 lbs.	22.50
14,001 ~~lbs. or more, and less than~~ through 16,000 lbs.	27.50
16,001 ~~lbs. or more, and less than~~ through 18,000 lbs.	37.50
18,001 ~~lbs. or more, and less than~~ through 20,000 lbs.	50.00
20,001 ~~lbs. or more, and less than~~ through 22,000 lbs.	62.50
22,001 ~~lbs. or more, and less than~~ through 24,000 lbs.	93.75
24,001 ~~lbs. or more, and less than~~ through 26,000 lbs.	125.00

26,001 ~~lbs or more~~ and ~~less than~~ through 28,000 lbs. 156.25

28,001 ~~lbs or more~~ and ~~less than~~ through 30,000 lbs. 206.25

30,001 ~~lbs or more~~ and ~~less than~~ through 32,000 lbs. 262.50

32,001 ~~lbs or more~~ and ~~less than~~ through 34,000 lbs. 318.75

34,001 ~~lbs or more~~ and ~~less than~~ through 36,000 lbs. 375.00

36,001 ~~lbs or more~~ and ~~less than~~ through 38,000 lbs. 431.25

38,001 ~~lbs or more~~ and ~~less than~~ through 40,000 lbs. 487.50

40,001 ~~lbs or more~~ and ~~less than~~ through 42,000 lbs. 543.75

Over 42,000 lbs. and within the weight limits specified in 61-10-101 through 61-10-110 ..... 62.50 per ton or fraction thereof."

Section 83. Section 61-10-209, MCA, is amended to read:

"61-10-209. Quarterly payment -- penalty for failure to pay fee. (1) When the gross weight of a vehicle exceeds 24,000 pounds, the gross weight or special fees for ~~motortrucks~~ trucks, trailers, tractors, pole trailers, or

semitrailers may be ~~purchased~~ paid for a 3-month period for one-fourth the regular fee at the beginning of any quarter of the calendar year. For each fee so paid other than at the time of payment of the ~~basic license~~ annual vehicle registration fee, an additional fee of $1 shall be charged. The department may adopt rules relative to the issuance and display of certificates or insignia, which shall state the quarters for which the vehicle is licensed.

(2) A vehicle licensed under this section may not be operated over the public highways after the expiration of the 3-month period unless the owner or operator of the vehicle, within 10 calendar days or 7 business days as provided by law, whichever is greater, ~~after the expiration of the 3-month period~~, pays the required fee for a license for an additional 3-month period, or for the remainder of the year. A person who operates a vehicle upon the public highways after the expiration of the 10 calendar days or 7 business days as provided by law, whichever is greater, is guilty of a misdemeanor. In addition he shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation of the vehicle less the fees for ~~a~~ the period of the year already paid.

(3) If, within 5 days thereafter, no license for a full year has been purchased as required, the Montana

highway patrol, county sheriff, or city police may impound the vehicle in the manner which is directed for these cases by the division of motor vehicles until the requirement is met."

Section 84. Section 61-10-214, MCA, is amended to read:

"61-10-214. Exemptions. (1) Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or towns and within 15 miles from such limits are exempt from this part.

(2) Motor vehicles brought or driven into Montana by a nonresident, migratory, bona fide agricultural worker temporarily employed in agricultural work in this state where those motor vehicles are used exclusively for transportation of agricultural workers are ~~also~~ exempt from this part.

(3) Vehicles lawfully displaying a licensed dealer's plate as provided in ~~[61-4-102]~~ 61-4-103 are exempt from this part when moving to or from a dealer's place of business when ~~unladen~~ unloaded or ~~laden~~ loaded with dealer's property only, and in the case of vehicles having a gross ~~laden~~ loaded weight of less than 24,000 pounds, while ~~in the process of demonstration~~ being demonstrated in the course of the dealer's business."

Section 85. Section 61-10-222, MCA, is amended to

read:

"61-10-222. Time for payment of fees. ~~(1) A person who owns or operates a vehicle subject to the fees provided in 61-10-201 through 61-10-210 shall pay the fees provided in this part.~~

~~(2)~~(1) Prior to or at the time of registration of the vehicle as required under chapter 3 or chapter 4 or prior to the operation of the vehicle on the public highways, fees ~~paid~~ provided in this part shall be paid in the full amount ~~provided in this part~~ unless otherwise provided by law. With respect to vehicles operating on the highways with a current rear windshield sticker issued under the provisions of 61-4-111 or 61-4-112, the fees provided in this part shall be due and payable at the time of registration.

~~(3)~~(2) A person who makes application for a GVW license after July 1 of any year shall pay one-half of those the fees provided in this part.

~~(4)~~(3) When a person makes application for registration required under chapter 3 for a period of time other than the calendar year, the fees provided in this part shall be computed for the registration period at one-twelfth of the applicable fee for each month or part of month in the registration period."

Section 86. Section 61-10-223, MCA, is amended to read:

"61-10-223. Expiration date. ~~The fees paid hereunder for every motortruck, truck tractor, trailer, semitrailer, bus, or automobile shall expire on December 31 of each year.~~ Any ~~certificate, registration, or~~ GVW license issued shall be valid only for the period for which issued."

Section 87. Section 61-10-224, MCA, is amended to read:

"61-10-224. ~~License~~ GVW license transferable. The ~~certificate, registration, or~~ GVW license issued hereunder is transferable by the licensee to another truck, truck tractor, trailer, semitrailer, lowboy trailer, pole trailer, housetrailer, or passenger car upon transfer of ownership of such truck, truck tractor, trailer, semitrailer, lowboy trailer, pole trailer, housetrailer, or passenger car to a replacement vehicle of the same type. If a smaller vehicle is purchased, there shall be no refund."

Section 88. Section 61-10-226, MCA, is amended to read:

"61-10-226. Deposit of state highway ~~moneys~~ money. (1) Any reference to the state highway fund ~~shall be taken to~~ mean means the state highway account in the earmarked revenue fund.

(2) ~~Moneys~~ Money received for the use of the department from the receipt or transfer of ~~motor vehicle~~ GVW license fees, as provided by law, or from other state

sources shall be deposited in the earmarked revenue fund to the credit of the department.

(3) ~~Moneys~~ Money received from the counties and from the federal government or other agencies shall be deposited in the federal and private revenue fund to the credit of the department.

(4) ~~Hereafter, moneys~~ Money collected for the department as authorized by law shall be credited to such fund or funds by the state treasurer."

Section 89. Section 61-10-227, MCA, is amended to read:

"61-10-227. Blank forms furnished county treasurers. The department shall furnish all county treasurers with the following:

(1) blank application forms and affidavit forms outlining and providing for the information needed in each classification of ~~registration~~ license required;

(2) ~~registration, license, or certificates~~ GVW licenses in a form determined most suitable by the department;

(3) the other forms, stickers, certificates, or blanks the department considers necessary to carry out this part."

Section 90. Section 61-10-233, MCA, is amended to read:

"61-10-233. Excess weight -- penalties. (1) The

operator is subject to the penalties stated in ~~[this section]~~ 61-10-232 whenever the gross ~~laden~~ loaded weight of any ~~motortruck~~ trucks, truck tractor, trailer, or semitrailer operated upon any highway in this state exceeds the gross vehicle weight shown on:

(a) the owner's certificate of registration and tax receipt issued under 61-3-322; or

(b) the gross vehicle weight receipt issued under 61-10-227.

(2) ~~The~~ In addition, the operator shall immediately ~~thereafter~~ pay to the nearest county treasurer or to the department the difference between the fee already paid and that applicable to the gross weight of his vehicle before unloading the excess, provided that it does not exceed the legal axle weight."

Section 91. Section 61-11-211, MCA, is amended to read:

"61-11-211. Department Division to revoke license of habitual offender -- method of removal of points upon revocation. Upon receipt of a court order declaring an habitual offender, the department division shall revoke the driver's license or driving privilege of the individual named in the order for a period of 3 years from the date of the order. Additionally, the department shall remove from that individual's record those habitual offender points

which were certified to the county attorney in the certification required by 61-11-204."

Section 92. Section 61-12-208, MCA, is amended to read:

"61-12-208. Duty upon making an arrest -- power to fix and accept bail ~~--fees of justices of the peace. (1)~~ Such employees, upon making an arrest, shall deliver to the offender a form of notice to appear, describing the nature of the offense, with instructions on the notice ~~to appear~~ for the offender to report to the nearest justice of the peace. The employee may accept a deposit for appearance justifiable for the offense charged. The person arrested may be detained for a reasonable time for the purpose of issuing the notice. If the employee accepts bail, he shall give a signed receipt to the offender, setting forth the amount received. The employee shall then deliver the bail money to the justice of the peace before whom the offender is to appear, and the justice of the peace shall give a receipt to the employee for the amount of bail money delivered. After the filing of the complaint and appearance of the defendant, the justice of the peace shall assume jurisdiction and may set and accept further appearance bail bond.

~~(2) For the purpose of this part only, the fees of justices of the peace in all offenses in which the statutory fine is $5 or less shall be $1, but if the statutory fine is~~

~~in excess of $5, the justices of the peace are permitted the fee prescribed by law. No additional fees shall be paid justices of the peace where salaries are fixed by law.~~"

~~Section 93. Section 61-12-401, MCA, is amended to read:~~

~~"61-12-401. Taking vehicle into custody. (1) The following law enforcement agencies may take into custody any motor vehicle found abandoned for a period of 48 hours or more on any public highway, or for a period of 5 days or more on any city street or public property:~~

~~(a) the Montana highway patrol if the vehicle is upon the right-of-way of any public highway other than a county road;~~

~~(b) the sheriff of the county if the vehicle is upon the right-of-way of any county road or private property within the county;~~

~~(c) the city police if the vehicle is upon a city street within the city.~~

~~(2) The Montana highway patrol,~~ the sheriff of the county, or the city police may use its or his their personnel, equipment, and facilities for the removal and preservation of the vehicle, or may hire other personnel, equipment, and ~~or~~ facilities for those purposes."

Section 93. Section 61-12-502, MCA, is amended to read:

"61-12-502. Rules for identification cards. The division shall formulate and adopt reasonable rules for the application, for and issuing of identification cards, and cancellation thereof, and shall require the furnishing of such information necessary for the purpose of this part."

Section 94. Section 61-12-701, MCA, is amended to read:

"61-12-701. Highway patrol -- fees--- disposition of fines and forfeitures. (1) All fees, fines, and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violation of the laws and regulations relating to the use of state highways and the operation of vehicles thereon must be paid to the state treasurer and by him credited to the general fund of the state, except for that portion of the fines ~~as provided in 20-7-504~~ otherwise allocated by law which shall be paid into the ~~automobile driver education account~~ appropriate accounts in the earmarked revenue fund.

(2) At the time of payment of any such fee, fine, or forfeiture, there shall be filed with the state treasurer a complete statement showing the total of the fees, fines, or forfeitures received or incurred, which statement shall give the title of the court and cause and be subscribed to by the person or officer making ~~such~~ the payments."

Section 95. Section 61-12-703, MCA, is amended to

read:

"61-12-703. Disposition of traffic fines collected from juveniles. All fines collected by the district courts from ~~children~~ persons under 18 years of age ~~for--unlawful operation--of--motor--vehicles~~ as the result of traffic summonses for unlawful operation of motor vehicles issued by peace officers of cities or counties or by highway patrolmen, together with ~~that portion~~ the percentage of the fines ~~which is specified in 20-7-505~~ otherwise deductible by law, shall be retained by the county treasurer of the county in which the offense occurred and at the end of each month distributed as follows:

(1) Fines collected as the result of summonses issued by city peace officers shall be distributed to the city in which the peace officer is employed and credited to the city general fund.

(2) Fines collected as the result of summonses issued by county peace officers shall be retained by the county treasurer and credited to the county road fund.

(3) Fines collected as the result of summonses issued by state highway patrolmen shall be paid to the state treasurer, who shall credit them to the general fund of the state.

(4) That portion of the fines ~~which--is--specified--in 20-7-505~~ deductible by law shall be paid to the state

treasurer, who shall credit ~~it~~ the money to the ~~automobile driver---education---account~~ appropriate accounts in the earmarked revenue fund."

Section 96. Section 20-7-504, MCA, is amended to read:

"20-7-504. State traffic education account and -- proceeds earmarked for the account. (1) There is hereby ~~established~~ a traffic education account in the treasury of the state of Montana. There shall be paid into this account a portion of the fines assessed and bails forfeited on all offenses involving a violation of ~~a state statute~~ chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61, or a city ordinance and relating to the operation or use of motor vehicles, except offenses relating to parking of vehicles, in the following amounts:

(a) where if a fine is imposed, 20% of the fine imposed;

(b) where if multiple offenses are involved, 20% of the total sum of all fines imposed;

(c) where if a fine is suspended, in whole or in part, ~~the portion paid to the traffic education account shall be~~ 20% of the fine actually paid; and

(d) when if any deposit of bail is made for an offense to which this section applies and the bail is forfeited, 20% of the forfeited bail.

(2) Five percent of all moneys money received by the

state of Montana from the collection of the motor vehicle driver's license fee provided for under the laws of Montana shall be contributed to the traffic education account."

Section 97. Section 53-9-109, MCA, is amended to read:

"53-9-109. Crime victims compensation account. There is created a crime victims compensation account in the earmarked revenue fund. There shall be paid into this account 6% of the fines assessed and bails forfeited on all offenses involving a violation of ~~a state statute~~ chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61, or a city ordinance and relating to the operation or use of motor vehicles, except offenses relating to parking of vehicles."

SECTION 98. SECTION 61-5-405, MCA, IS AMENDED TO READ:

"61-5-405. Offenses furnishing ground for suspension or revocation of license. (1) Items enumerated in Article IV(1), subsections (a), (b), (c), and (d) of 61-5-401 refer specifically to 45-5-103, 45-5-104, 61-8-401, 45-2-101(15), and 61-7-103, respectively.

(2) In addition to convictions mentioned above the division, for the purpose of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported as it would if such conduct had occurred in this state for:

(a) convictions of perjury or the making of a false

affidavit relating to the ownership or operation of a motor vehicle (61-5-303); and

(b) three convictions of reckless driving committed within a period of 12 months (61-8-301)."

Section 99. Repealer. Section 61-8-721, MCA, is repealed.

Section 100. Repealer. Sections ~~31-167~~, 31-186, 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134, 53-135, and 53-140 through 53-144, R.C.M. 1947, are repealed.

-End-